DISCIPLINE PRACTICES IN THE U.S. POSTAL SERVICE

HEARINGS

BEFORE THE

SUBCOMMITTEE ON
POSTAL PERSONNEL AND MODERNIZATION

OF THE

COMMITTEE ON
POST OFFICE AND CIVIL SERVICE
HOUSE OF REPRESENTATIVES

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DISCIPLINE PRACTICES IN THE U.S. POSTAL SERVICE

TUESDAY, MAY 23, 1989

HOUSE OF REPRESENTATIVES,
COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
SUBCOMMITTEE ON POSTAL PERSONNEL AND MODERNIZATION,
Washington, DC.

The subcommittee met, pursuant to call, at 1:35 p.m., in room 311, Cannon House Office Building, Hon. Frank McCloskey (chairman of the subcommittee) presiding.

Mr. MCCLOSKEY. Good afternoon.

The hearing of the Subcommittee on Postal Personnel and Modernization will come to order. I look forward to hearing from our two witnesses; but first I would like to review briefly the situation that has brought us to today's receipt of the initial installment of the General Accounting Office study on disciplinary practices in the Postal Service.

Last year, three supervisors employed at the Indianapolis MSC suffered fatal heart attacks which their families alleged was the result of inordinate stress from their jobs with the Postal Service. Workers allege that management has continually abused and harassed employees at that facility. Indianapolis area Congressmen subsequently asked for a General Accounting Office review of the situation.

Also, there have been problems in and around my district over the past few years concerning the Postal Service's use of discipline. That, along with reports from around the country, have led me to believe that there is no consistency in the use of discipline within the Postal Service. This GAO report which we are about to discuss has, unfortunately, confirmed my fears.

Today, the GAO has released the first in a series of reports on the personnel management policies of the U.S. Postal Service. I think the title "Discipline Practices Vary," speaks for itself. The report concludes that there is inconsistency and unpredictability in the enforcement of the Postal Service's work rules.

For example, according to the GAO, in the southern region, Atlanta issued letters of warning involving absenteeism and one prior infraction of any kind in about 92 percent of its cases and issued suspensions and removals about 7 percent of the time. That means, again, in cases involving absenteeism and just one prior infraction of any type, 92 percent of the people got warning letters, and suspensions and removals were invoked about 7 percent of the time.

We have an almost overwhelming balance on the other side in the nearby southern area of Dallas. Dallas issued letters of warning in about 2 percent of the cases and issued suspensions and removals about 96 percent of the time. These are among the statistics in the GAO report that really shows me that more work has to be done. This is not a question of a need for individual treatment or individual cases, when the percentages run that skewed.

The disparity means that if you're an employee of the Postal Service and you're absent from work without authorization and you have one prior infraction, you sure don't want to be working in Dallas because you could lose your job. Whereas in Atlanta, you would most likely just get a letter of warning.

The Postal Service's varied approach to disciplining employees has created problems of morale, antipathy and, in some cases, frustration within the workplace. Even a failing first-year management trainee knows that arbitrary management practices or the perception thereof can have a terrible effect on morale and also hamper productivity and efficiency.

I am also concerned that this lack of uniformity can be used as a smoke screen to shield discrimination. Since there are no set standards, any supervisor can use discipline as a means to discriminate against or harass an employee. One can stay within the rules; however, supervisors with such latitude can use their discretion to mete out uneven discipline, depending on the individual. Thus, prejudices and biases can lead to uneven penalties for the same infractions at the same facility. Clearly, this potential for abuse of power is cause for concern.

The Postal Service prefers to promote from within, and postmasters and supervisors are continually relocated as they receive promotions. I have heard time and again from employees across the country about how great their work environment was until a new supervisor or postmaster was transferred to their facility. Then the tempest begins as practices and procedures, such as allowing coffee on the workroom floor which was a matter of course with the old postmaster or supervisor, are no longer tolerated by the successor.

In addition to the heavy toll on employee relations, this lack of consistency in the use of discipline leads to the expenditure of massive dollars when it comes to grievances. Also, there is a substantial loss of productivity and efficiency.

Another criticism that the GAO has found is that the required review by concurring officials of a proposed suspension or removal is done strictly to ensure that disciplinary actions are adequately documented. These reviews are not conducted to control the consistency or appropriateness of the penalties.

Again, the review, as stated, is done to ensure adequate documentation and supervisory review as to disciplinary action. It does not relate to appropriateness or, in effect, the justice of the case—at least that's what we're told. It is apparent that in many cases this review is a pro forma activity, being more concerned with documentation in accordance with existing regulations than actually examining the propriety of the disciplinary measures taken.

I am not advocating that the Postal Service abandon the use of discipline. I would like to see a more equitable and uniform system

put into place so that workers know what is expected of them and realize that corrective action will be implemented when necessary.

As an aside, I want to reiterate the fact that I am not opposed to the use of discipline. As stated in previous hearings, I was amazed to learn from the very highest reaches of the Postal Service that they have a policy of not seeking significant sanctions on drug pushers on duty unless it is the third event. I think there is a strong case for first-time drug pushers being nabbed on the job to receive the ultimate sanction, at least civilly, of dismissal. So we are not talking about no discipline or sanctions here. In some cases, they can and should be severe.

I find it highly interesting that the Postal Service has continually assured me over the past few years that it has a uniform personnel management system and there is no need to alter the situation. The number of grievances filed against the Postal Service has increased over the years but, of course, there is no indicator that there has been any problems with the use of discipline.

However, it has taken a new Postmaster General, who seriously wants to improve labor-management relations, to bring in the unions and form a task force on discipline. This has led to modified procedures being used in the field where a supervisor must engage in two informal discussions before any disciplinary action is imposed for first offenses not warranting removal or suspension.

In conclusion, I want to commend the GAO for the fine performance they have done in examining postal discipline practices over the past year-and-a-half. It appears to be an excellent report. I have read it once and will be studying it further in the ensuing weeks as I plan to hold at least one more hearing on this particular report.

Gentlemen, I thank you for your diligence in performing this review. I look forward to hearing from all our witnesses today and thank everyone for attending.

With that, here from the GAO to discuss the report and to answer questions is Mr. Nye Stevens, the Director of the Government Business Operations Issues, General Government Division, General Accounting Office. You have with you today Mr. Willis Elmore and Mr. Lawrence Keller, is that not right, Mr. Stevens?

Mr. STEVENS. Yes, sir.

Mr. MCCLOSKEY. Thank you very much. Please proceed as you see fit.

STATEMENT OF L. NYE STEVENS, DIRECTOR, GOVERNMENT BUSINESS OPERATIONS ISSUES, GENERAL GOVERNMENT DIVISION, U.S. GENERAL ACCOUNTING OFFICE, ACCOMPANIED BY WILLIS ELMORE AND LAWRENCE KELLER

Mr. STEVENS. Thank you, Mr. Chairman.

With your permission, Mr. Chairman, I would like to shorten somewhat the prepared statement that we have, which is available for the record.

Mr. MCCLOSKEY. Yes, your written statement is accepted for the record.

Mr. STEVENS. We are very pleased to be here today to discuss the results of the review that you and the subcommittee requested on

how the Postal Service disciplines its employees. The report, as you know, is now available and is being released today.

One of the questions that you asked is covered in Chapter 3 of the report but not in my prepared statement, and that is whether the Postal Service's discipline tracking system has the capability of determining whether there are any EEO disparities in discipline. The answer is that it does, but as the Postal Service recognizes, there are some problems with the data quality and its distribution, so the system currently does not get much use. We made use of it, however. We found a good deal of nationwide and local data in there that was useful for us, and we also did in-depth work in specific cases in three divisions that were spread around the country—Van Nuys, CA, Cleveland, OH and Dallas, TX.

Now, as you know, Mr. Chairman, the Service employs the traditional approach to discipline, which is based on the theory that standards of conduct and productivity can be achieved and maintained, in part, through a system of ever-increasing degrees of punishment. For fiscal year 1987, the Service issued approximately 69,000 formal disciplinary actions; about 60 percent of the actions were letters of warning, about 30 percent were suspensions, and in 10 percent of the cases the penalty was removal from the Service.

We realize that it's unrealistic to expect that all employees engaged in similar types of misconduct will be penalized identically, because different disciplinary actions may be justified by the circumstances in individual cases. However, the procedures followed in making such decisions as whether to use a corrective discussion in lieu of discipline and in selecting penalties, should, in our view, be clear and consistently followed.

We did not find this to be the case. As a result, employees charged with the same infraction and with the same number of prior offenses may or may not be disciplined at all, and if they are disciplined, it could be in different form with substantially different penalties.

For minor offenses, as you pointed out, supervisors are to try to correct undesirable behavior through discussion with an employee, thereby providing the employee an opportunity to correct his behavior and to avoid discipline. Service guidance does not say, and supervisors disagree on, which infractions are considered minor or whether discussion should precede disciplinary action for subsequent but different types of infractions. For example, one supervisor considered AWOL to be minor enough to warrant a discussion. Another we spoke to thought that was a serious enough offense to warrant formal discipline. We noted the same differences with regard to safety violations.

So, because discussions are handled differently, some employees may receive more opportunities than others to correct their behavior before entering the disciplinary process.

Now, once discipline is invoked, our analysis showed that employees who committed the same infraction and who had the same number of prior offenses were frequently penalized differently. National data on penalty distributions for the absenteeism and unsafe act categories, with one prior infraction of any kind, showed widespread variations in penalties, both within and among the postal divisions.

For example, we found no predominant penalty in Los Angeles for the absenteeism and unsafe act categories. Letters of warning were issued about 45 to 46 percent of the time and either suspensions or removals about 46 to 47 percent of the time. There was no predominant penalty and employees there would have no idea what to expect. We found similar differences within some divisions in all of the regions for both of these infraction categories.

In addition to differences within the divisions, we found wide differences in penalties among divisions, also. The variations in penalty distributions among divisions indicate a distinct difference in disciplinary practices. Some tend to follow strict progressive discipline and others do not.

You mentioned, Mr. Chairman, the example of Atlanta and Dallas in the southern region, which are really poles apart. Another example from the central region: for absenteeism with one prior infraction of any kind, the North Suburban Illinois Division issued letters of warning about 59 percent of the time and gave seven-day suspensions for about 39 percent of its cases. In contrast to that 59 percent letters of warning, in the neighboring Chicago Division only about three percent received letters of warning. About 79 percent received seven-day suspensions. Similar cases can be found in other regions, as detailed in the report.

Now, why do the penalties vary? We found that supervisors have not been provided with clear guidance on how they should consider a number of factors inherent to deciding on the selection of penalties, including how to consider prior discipline; most notably, whether to consider only similar past offenses or any past offenses, how recent the past offenses should be in order to consider them, and how to consider past infractions that have been protested or appealed through the grievance process and either reduced or not yet decided.

Our examination of 145 discipline cases in three divisions illustrates the different handling of priors by supervisors. In 119 cases we examined where priors were involved, 59 percent of the supervisors considered all prior disciplinary actions, regardless of the offenses involved. It didn't matter whether they were similar ones or not. In the 22 cases we examined involving grieved priors that were settled, 55 percent of the supervisors considered the original penalty and 45 percent considered the revised penalty in deciding on their own penalties to impose.

We also looked at the role of concurring officials. We found that the concurring officials that we interviewed believe that the purpose of their reviews is primarily to ensure that the actions are adequately documented. Service guidance does not require a review for consistency. We think it should. Because these reviewers are involved in many cases, they have a basis for knowing what penalties are normally assessed for various infractions and circumstances. If concurring officials were to review proposed suspensions and removals for consistency, as well as for documentation, the reviews could serve as a control to minimize unwarranted disparities.

We made a number of recommendations to the Postal Service, that they provide better guidance to supervisors using prediscipliniary discussions, by first of all defining major and minor offenses to clarify when prediscipliniary discussions should be given in lieu of

discipline, and clarifying whether predisciplinary discussions should precede disciplinary action for subsequent but different infractions committed by the same employee.

We also recommended that the Service develop uniform rules for considering prior infractions, including guidance on whether to consider only like infractions or all past infractions, what time frame of past infractions should be considered, and whether to consider grieved past infractions that were reduced or are still pending.

Finally, we recommended that the Service issue guidance to require concurring officials to expand their reviews of proposed suspensions and removals to include the consistency of the penalties.

Now, in responding to our report, the Service described actions it has taken which we believe will fulfill the intent of our recommendations. We find this response encouraging, constructive. Since the Assistant Postmaster General for the Labor Relations Department is following me, however, I think I will let him describe the postal actions in more detail and conclude our statement here, if that's all right with you.

This has been a very interesting assignment, Mr. Chairman. My colleagues and I would be pleased to answer any questions about it that you may have.

[The statement of L. Nye Stevens follows:]

Statement of
L. Nye Stevens, Director
Government Business
Operations Issues
General Government Division

We are pleased to be here today to discuss the results of our review, requested by this Subcommittee, of how the Postal Service disciplines its employees. We understand that you are releasing today our report (GAO/GGD-89-79; May 19, 1989) on Service discipline policies and procedures. We did our work at Postal Service headquarters and in the Van Nuys, Cleveland, and Dallas Divisions. These divisions represent three of the five Service regions. We also evaluated the consistency of disciplinary actions by analyzing data compiled by the Service's Discipline Tracking System for the period December 1985 through March 1988.

BACKGROUND

The Postal Service is the Nation's largest civilian employer, with a workforce of about 780,000 career employees as of October 1988. The majority of jobs are craft positions, such as carriers, clerks, and mail handlers. As in any large organization, the Service encounters disciplinary problems with its employees, and when this occurs, supervisors have the authority to discipline employees to correct the undesirable behavior.

The Service has defined 26 categories of unacceptable behavior ranging from specific infractions, such as tardiness and

misdelivery of mail to more general categories, such as failure to follow instructions and failure to properly perform duties.

The Service employs the traditional approach to discipline, which is based on the theory that standards of conduct and productivity can be achieved and maintained, in part, through a system of ever-increasing degrees of punishment. For fiscal year 1987, the Service issued approximately 69,000 disciplinary actions--about 60 percent of the actions were letters of warning, 30 percent were suspensions, and 10 percent were removals.

Because of indications that some postal employees may be penalized differently for similar infractions and in similar circumstances, the Subcommittee asked us to determine whether Postal Service disciplinary policies and procedures provide a Service-wide program of discipline with uniform disciplinary actions for similar infractions. Let me turn now to the results of our review.

DISCIPLINE GUIDANCE NEEDS TO BE MORE DEFINITIVE

The Service's discipline system allows supervisors the flexibility they need to judge the relevant facts surrounding each incident and assess penalties based on these judgments. Although the generally accepted principle is that enforcement of

rules and assessment of discipline must be exercised in a consistent manner, it is unrealistic to expect that all employees engaged in similar types of misconduct will be penalized identically, because different disciplinary actions may be justified by the circumstances in individual cases. However, the procedures followed in using predisciplinary discussions and in selecting penalties should be clear and consistently followed.

We found that procedural requirements for taking disciplinary actions are not sufficiently definitive to promote consistency in allowing employees to correct their behavior before being disciplined and in using an employee's prior discipline record in selecting the penalty for current behavior. As a result, employees charged with the same infraction with the same number of prior infractions may or may not be disciplined or be disciplined differently.

Predisciplinary Discussions

For minor offenses, supervisors are to try to correct undesirable behavior through discussion with an employee, thereby providing the employee an opportunity to correct undesirable behavior and avoid discipline. Service guidance does not say, and supervisors disagree on, which infractions are considered minor or whether discussions should precede disciplinary action for subsequent, but different infractions. For example, one supervisor

considered AWOL to be minor enough to warrant a discussion. Another supervisor considered AWOL to be major enough to warrant formal discipline. Because discussions are handled differently, some employees may receive more opportunities than others to correct their behavior before being disciplined.

Selecting a Penalty

In selecting a penalty, supervisors are supposed to tailor disciplinary action to the particular circumstances and consider (1) the nature and seriousness of the offense, (2) the past record of the employee, (3) the circumstances surrounding the particular incident, and (4) the amount of discipline normally issued for similar offenses under similar circumstances in the same installation.

Personnel literature acknowledges that absolute consistency in the handling of rule violations is impossible. The generally accepted principle is that enforcement of rules and assessment of discipline must be exercised in a consistent manner.

Our analysis of the consiscency of disciplinary actions from December 1985 through March 1988, showed that employees who committed the same infraction and who had the same number of prior infractions were frequently penalized differently. Service national data on penalty distributions for absenteeism and unsafe

act infraction categories, with one prior infraction of any kind, showed widespread variations in penalties, both within and among divisions.

For example, we found no predominant penalty in Los Angeles for the absenteeism and unsafe act categories, with one prior infraction of any kind. Letters of warning were issued about 45 to 46 percent of the time and either suspensions or removals about 46 to 47 percent of the time. This indicates that penalties varied within the division. These variances are evident within divisions in all of the regions for both infraction categories.

In each of the five Service regions, we found that the distribution of penalties also varied, in some instances widely, among divisions for the infraction categories we looked at. The variations in penalty distributions among divisions indicate a distinct difference in disciplinary practices. Some tend to follow strict progressive discipline, while others do not. For example, in the Central Region, for absenteeism with one prior infraction of any kind, the North Suburban, IL, Division issued letters of warning in about 59 percent of its cases and gave 7-day suspensions for about 39 percent of its cases. In contrast, in the Chicago Division, about 3 percent received letters of warning, and about 79 percent received 7-day suspensions. Similar cases can be found in other regions. The data also show

that divisions that are tough on absenteeism offenders also tend to be tough on unsafe act offenders.

Why do penalties vary?

Although we recognize that a reasonable basis (circumstances surrounding individual cases, such as severity of the misconduct and the employee's work and discipline record) could account for variations in assessed penalties within a division, we believe that the varied practices followed by supervisors could also result in different penalties for employees who engage in the same categories of misconduct. We could not determine from the data how much variation was justified by the circumstances in individual cases or how much was caused by supervisors following different procedures in assessing penalties.

We found that supervisors have not been provided with clear guidance on how they should consider a number of factors inherent to deciding on the selection of penalties, including (1) how to consider prior discipline, including whether to consider only similar past infractions or any past infractions; (2) how recent the past infractions should be in order to consider them; and (3) how to consider past infractions that have been protested through the grievance process and either reduced or not yet decided.

Our examination of 145 discipline cases that represented a broad

cross-section of penalties by infraction and number of priors in three divisions illustrates the different handling of priors by supervisors. In the 119 cases we examined where priors were involved, 59 percent of the supervisors considered all prior disciplinary actions regardless of the infractions involved. Of the 119 cases, 80 involved priors that were still in the process of being grieved and 82 percent of the supervisors did not consider those unresolved prior infractions. In the 22 cases we examined involving grieved priors that were settled, 55 percent of the supervisors considered the original penalty and 45 percent considered the revised penalty.

In addition, Labor Relations officials at divisions we visited had different views regarding the consideration given to prior discipline in selecting a penalty.

Concurring officials review
proposed suspensions and removals

When discipline involves a suspension or removal, an installation head or other designated concurring official must review and approve the proposed action. The concurring officials we interviewed believe the reviews are primarily to insure that the actions are adequately documented. Service guidance does not require a review for consistency. Because these reviewers are involved in many cases, they have a basis for knowing what

penalties are normally assessed for various infractions and circumstances. If concurring officials were to review proposed suspensions and removals for consistency as well as for documentation, the reviews could serve as a control to minimize unwarranted disparities.

Recommendations

We recommended that the Postal Service provide better guidance to supervisors using prediscipliнary discussions by (1) defining major and minor offenses to clarify when prediscipliнary discussions should be given in lieu of discipline and (2) clarifying whether prediscipliнary discussions should precede disciplinary action for subsequent, but different, infractions committed by the same employee.

We also recommended that the Service develop uniform rules for considering prior infractions, including guidance on whether to consider only like infractions or all past infractions, what time frame of past infractions should be considered, and whether to consider grieved past infractions that were reduced or are pending.

Finally, we recommended that the Service issue guidance to require concurring officials to expand their reviews of proposed suspensions and removals to include the consistency of the penalties. 8

The Service has taken actions which we believe will fulfill the intent of our recommendations. Under modified discipline procedures being tested at various postal facilities, and consistent with our recommendations, guidelines have been established to clarify the use of predisciplinary discussions in lieu of discipline. The modified procedures require two predisciplinary discussions before taking disciplinary action for offenses not warranting immediate removal or placement on indefinite suspension or suspension for the first offense. These required discussions are to be initiated for subsequent, but different, infractions. We believe these modified procedures, if successfully implemented nationwide, will provide the needed guidance for distinguishing between major and minor offenses and dealing with subsequent infractions committed by the same employee.

In response to our recommendation to develop uniform rules for considering prior infractions, the Service said supervisors will be reminded that, in selecting a penalty, they should consider (1) all past infractions, whatever the nature of the offense, if less than 2 years have gone by since the last disciplinary action; (2) grieved actions that are pending; and (3) the lesser penalty if the prior discipline has been reduced on appeal. In response to our recommendation to expand reviews by concurring officials, the Service said guidance will be provided requiring concurring officials to ensure the appropriateness of discipline in a given case and its consistency with penalties issued in comparable circumstances.

This concludes my statement, Mr. Chairman. My colleagues and I will be pleased to answer any questions you may have.

Mr. MCCLOSKEY. Are there any further comments from those who are accompanying you?

Mr. ELMORE. No, sir.

Mr. MCCLOSKEY. After reviewing the Postal Service's use of discipline, Mr. Stevens, do you do think postal employees have legitimate concerns about equity and fairness in the disciplinary structure and process?

Mr. STEVENS. Yes, Mr. Chairman, we do, but not because the penalties aren't always the same. We can never expect them to be always the same. It is because the rules are unclear and they're interpreted differently from place to place. The procedures are not commonly understood, commonly imposed.

Some of the disparities among the divisions are simply too great, in our view, to be explained by variations in the circumstances of individual cases.

Mr. MCCLOSKEY. As in Dallas and Atlanta?

Mr. STEVENS. Yes, as one extreme example. It is just hard to believe that the employees in Dallas would be that different in their actual behavior and circumstances than those in Atlanta, for instance.

Mr. MCCLOSKEY. I respect GAO as much as any governmental department; your work is incredibly accurate and highly regarded. But I would note that your train in this report is along the lines of accountants and statisticians rather than, say, journalists or pastors or lawyers, anything like that.

What I would like to get at is whether there is any way of having a follow-up review as to, if you will, the human element involved here. Are there any reports that you had in the course of your interview as to severe or arbitrary harassment, the irreconcilable personality conflict. In the Atlanta case, letters of warning were issued about 92 percent of the time, whereas in Dallas it was more severe with suspensions and removals about 96 percent of the time. What was happening there? Were the suspensions and removals regarding a particularly severe case? I think we can probably find some cases in that Dallas situation where there are some slightly problematic but overall correctable employees, in effect, getting the axe whereas they're getting a letter if they're in the other region.

Did you run across any of that, the agony imposed on any of the people involved with such disparities?

Mr. STEVENS. Well, the numbers that we are using are from the nationwide disciplinary tracking system. They are statistics. It is also true that a number of these penalties are aggrieved, they're appealed. They are heard by an arbitrator and a great many of them are reduced. Those are based on an examination of individual circumstances and cases, excuses perhaps, like the ones you've mentioned. That data is not in the discipline tracking system that we used.

Now, we did look at 145 specific cases in the Van Nuys area, in Cleveland and in Dallas. We talked to the supervisors involved. There were a number that seemed anomalous, different treatment for what seemed on the record to be fairly similar circumstances. Let me see if Mr. Elmore can come up with specific examples.

Mr. McCLOSKEY. Were you dealing statistically from the post offices' summations in most cases, or were you actually out there interviewing people who had on occasion been terminated or suspended?

Mr. STEVENS. The tabular data is all from the nationwide statistical reporting system. It doesn't involve any individuals. The 145 interviews were with individual cases examined and a thorough review of the file, in which the individual would have an opportunity to say whatever he wanted to say, and discussions with their supervisors.

Mr. McCLOSKEY. You didn't do any actual interviewing of affected personnel, as such, other than supervisors as to their practices. Right?

Mr. ELMORE. No, sir, we didn't.

Mr. McCLOSKEY. That would explain the data.

Mr. ELMORE. The extremes that you see in the data, extremes like Atlanta and Dallas—and you can see it throughout—what that reflects is the style of the management of whoever happens to be there, whether he is a so-called lenient manager or whether he's a hard-nosed manager.

We had some concerns about that data. The Postal Service has some concerns about the accuracy of it. To test it for our purposes, with two regional postmaster generals, I took the data and called them on the phone and I asked them if they would cooperate. I put their managers into a lenient category and a hard-nosed category from the data, and they agreed. As we went down the list, putting them in those two categories, they essentially agreed that that's the type of manager they have. So the data that you see there reflects the practices and policies of the division manager, of the postmaster, in my opinion.

Mr. McCLOSKEY. So Dallas is a little tougher than Atlanta, right?

Mr. ELMORE. Dallas is tougher.

Now, Atlanta may get tougher, you know, next year, because they changed postmasters down there not too long ago.

Mr. McCLOSKEY. Or maybe the modicum should be somewhere in between.

Mr. ELMORE. Well, what we think should be in between is the uniform rules. We expect penalties to be different, they've got to be different. People are different. But the rules ought to be uniform. And when you get a new manager, he shouldn't be permitted to change the rules.

Mr. McCLOSKEY. But statistics like this are not a result of individual variances, different judgment calls. You have a totally different statistical trend.

Mr. ELMORE. I personally think it's totally different practices and policies. It reflects how a manager views managing his work force.

Mr. McCLOSKEY. We won't be able to do it in the context of a study, but maybe future persons testifying before the subcommittee on this subject could come in with some of the human elements involved in such stark disparities.

So actually, from your work and your interviewing, you really can't say whether personalities and subjective hostilities come into play. You're pretty much dealing with data and written reports, either Mr. Elmore or Mr. Stevens, whoever?

Mr. STEVENS. Well, it is certainly possible that an individual's hostility, personality conflicts, could affect an individual case. I'm sure that happens quite often.

Mr. MCCLOSKEY. You didn't have a chance to review or consider that very much. I'm not being critical if you didn't, but I'm just trying to get at what this report manifests.

Mr. STEVENS. Certainly not in the nationwide data system. In these 145 individual cases, we found that asserted a number of times. But there are usually two sides to those stories. It wouldn't be contested if there weren't. It is fairly easy, I believe, for somebody who is malevolently inspired to cover up his actions in a way that the paper trail looks defensible. The Postal Service looks upon the grievance and arbitration system as its ultimate safeguard against personalities affecting the process too much.

Mr. MCCLOSKEY. You commented, I believe, that supervisors in their application of sanctions and disciplinary policies and so forth, generally speaking, had no clear guidance or, in effect, were not adequately trained in this area. Could you elaborate on that further? I'm sure we're going to hear from the Postal Service in a little bit and they will say the guidance is adequate and things are good and improving. Could you flush that out a little bit?

Mr. STEVENS. Yes. It's not that there's no guidance. There is a supervisors handbook that provides a good deal of guidance. But it does leave questions open in a number of key areas. It doesn't define what a major and a minor offense are, and yet it calls for the supervisor to take some action based on a distinction that he would draw between those words. It gives a good deal of discretion with regard to penalties.

It is true, I think, that the postal supervisors we talked to regarded that handbook as a bible. They paid great attention to it. It was their instruction. But there were some areas in there that simply didn't give them clear instructions and they interpreted it differently. The definition of progressivism was a different thing in their minds because it's not really defined or even mentioned in the handbook.

Mr. MCCLOSKEY. I guess progressive could mean someone particularly hard-nosed, right?

Mr. STEVENS. To some it did.

Mr. MCCLOSKEY. Or lenience, whatever the case may be.

Mr. STEVENS. It mentions prior infractions but it doesn't specify whether that has to be something like what you're accused of right now, or whether it could be something totally different. Therefore, supervisors make varying choices there, and they have varying results on the outcome that are well demonstrated in the statistics that we used.

Mr. MCCLOSKEY. Was any information relayed to you as to any workshops or formal seminars on certification requirements of employee relations and disciplinary procedures being invoked and so forth? This is something that I've been talking about for three or more years now.

Gentlemen, you're going to sit there and tell me they were given a handbook, in effect, as far as most of the supervisors to whom you talked. Let's talk about that when the Postal Service testifies. I find that very disappointing, very disappointing.

Mr. STEVENS. Well, I will let Mr. Elmore talk about the current situation because I think we were working from 1987 data and I think there are some very progressive changes underway right now. But it is true that the supervisors that we talked to are by-the-book people. They had a book. Where the book told them what to do, they did it. Where the book did not tell them what to do—and there were a number of cases like that, and that's where we made our recommendations for more clarity there—they made differing choices. I think, from their point of view, that's defensible.

Now, that is not to say there weren't also training sessions involved. I think the Postmaster General has put a good deal more emphasis on labor relations and I think that probably shows up in some informal ways, too.

Mr. ELMORE. Mr. McCloskey, we didn't cover training, but a few years ago the Postal Service greatly expanded their training program for supervisors, with a series of a one-week, a two-week, and a follow-up week.

As part of that training program, there is a considerable amount of training and information provided on disciplinary practices. It is part of their formal training, and new supervisors come to Potomac for their supervisory training for two or three weeks of training, which includes discipline.

What Mr. Stevens was referring to is some of the initiatives that the Postal Service has taken currently which are, in a way, encouraging, in cooperation with the labor unions. They have entered into so-called "test programs" and they are testing them out throughout the country. What I particularly like about the programs is that all of them essentially call for communication down at the local level. It gets people talking together, requires people to talk together, down at the local levels. I particularly like Modification 16, which requires two discussions with the employee prior to disciplinary action for separate offenses. That, combined with Mr. Frank's goal of making a 50 percent reduction in grievances, I think we've got the possibility of seeing a major change.

Mr. MCCLOSKEY. Your report indicates the Postal Service is listening and improving; is that safe to say?

Mr. ELMORE. Yes, I think so.

Mr. MCCLOSKEY. The Postal Service is going to tell us in a little bit that they accept many of your suggestions, but it is borderline impossible or exceedingly difficult to categorize major versus minor offenses. They literally want to stay away from that. I guess I could understand why, being law-trained if not a lawyer and knowing the problems of absolute definition and different and changing cases.

Do you have much sympathy for their "stonewalling"?

Mr. STEVENS. I wouldn't really call it stonewalling, Mr. Chairman.

Mr. MCCLOSKEY. I had quotes on that.

Mr. STEVENS. I think they are adhering really to the spirit of the recommendation, while not accepting the actual words of it. They do say that they can't define major and minor offenses for this purpose, but they say the predisciplinary discussions, which are now meant to be carried out twice in the minor category, are to be done except in cases that are subject to immediate removal or automatic suspension, which are, in fact, the more serious or major cases. So

it's a round about way of getting there, but I think they arrived at the same point.

Mr. McCLOSKEY. Would you care to comment on that?

Mr. KELLER. I agree. I don't think we have that much difference. They have said they can't categorize them as major or minor, and yet they have defined, in essence, what they consider major enough to be considered major without calling them major.

Mr. McCLOSKEY. What about the concern as to different supervisors in different areas considering previous offenses—in some extremes not considering any previous offenses, and in others considering all offenses. I guess other supervisors would consider only offenses dealing with the present problem and implementing the disciplinary review at that point.

Postal officials say they have a uniform rule on that going back two years, is that not correct? Why was it not applied uniformly? Did that ever come up?

Mr. STEVENS. The labor agreement does specify a two-year period, which they say they are now enforcing. However, the supervisors we talked to, a number of them were not aware of that. Some of them imposed a three-month rule, which is even more in favor of the employee. Some said anything that had ever happened within the career of an employee. So I think that's primarily a matter of not publicizing or letting supervisors know what the labor agreement calls for.

Mr. McCLOSKEY. I'm sorry, I had an interruption. Could you answer that question again?

Mr. STEVENS. Yes. The labor agreement does call for a two-year period, and the Postal Service response to us is that they are going to reemphasize that, to make clear that supervisors know that.

The ones we talked to did not. They were all over the lot. Some thought they could consider anything that was less than three months old; some thought it was anything the employee had ever done at any point in his career. So I think that's primarily a matter of emphasis.

Mr. McCLOSKEY. Which really points to an actual total lack of uniformity in a very basic, administrative area.

Mr. STEVENS. That's right. It can change. We have a memorandum from a postmaster who entered his job in Oklahoma City, who took note of what appeared to be a policy of allowing supervisors to consider only related infractions. He thought that wasn't serious enough, or was resulting in too lenient an atmosphere. He said, from now on, anything the employee has ever done will be considered a prior infraction. That's going to change. And it did change, practically overnight. That's something that I think is an indication that the rules themselves are not stable for an individual employee in some cases.

Mr. McCLOSKEY. Why do you think the Postal Service has never required concurring officials to review for consistency?

Mr. STEVENS. First, I don't think they have felt that consistency was a primary goal at the local level. They have, rather, looked for their safeguards to the grievance and arbitration system, more or less accepting that there will be inconsistencies at the local level.

Second, I think they have assumed that concurring officials are reviewing penalties for consistency, but, in fact, their guidance did

not tell them to do so. The supervisors looked to guidance, didn't find any there, and rarely did so. They looked only for documentary defensibility of the procedural action. So I wouldn't be surprised if our findings from interviews with supervisors was something of a surprise to headquarters officials, who probably assumed that that was happening more commonly than it turns out to be.

Mr. MCCLOSKEY. Thank you very much, gentlemen, for your excellent testimony and excellent report.

Is there anything anyone cares to add that perhaps was not brought up or discussed?

Mr. ELMORE. Don't issue me any discipline for taking so long.

Mr. MCCLOSKEY. Not at all. You have my utmost admiration.

There is a vote on the House floor. This hearing is in recess and will resume in about 20 minutes. Thank you very much.

Mr. STEVENS. Thank you, sir.

[Whereupon, the subcommittee was in recess.]

Mr. MCCLOSKEY. Thank you for your patience. The hearing will resume with Mr. Joseph Mahon, Jr., Assistant Postmaster General, Labor Relations Department, United States Postal Service.

Mr. Mahon, thank you for being here today. We appreciate your testimony. Please proceed as you would like.

STATEMENT OF JOSEPH L. MAHON, JR., ASSISTANT POSTMASTER GENERAL, LABOR RELATIONS DEPARTMENT, U.S. POSTAL SERVICE

Mr. MAHON. Thank you, Mr. Chairman. It's a pleasure to be here.

If you have already digested my opening statement, I won't bore you by sitting here and reading it to you again. Let me summarize some of the significant points that I think ought to be addressed in this inquiry.

First off, it should be made clear that, from the Postal Service's standpoint, consistency in the administration of discipline is considered extremely important, especially at a work unit level or an installation level. Consistency on a national basis, I think, is a desirable goal, but one that is not likely to be achieved without great cost to other concerns which both management, the employees and the unions have regarding the administration of the grievance procedure.

One way to guarantee consistency, for example, would be to have all appeals culminate in some kind of a central "supreme court" and have a body of law developed. That would be a very expensive grievance system.

The parties, through collective bargaining, have opted for local and regional labor panels. Those panels, with their private sector arbitrators, bringing their values, their bodies of precedent to the forum, so to speak, will introduce a level of inconsistency which will be totally unable to be avoided under the system we now have.

The second point is, I think that our primary effort should be concentrating on reducing the need for and a reliance upon discipline generally. I do think we have made some admirable strides in that direction over the past few years. Our discipline task force, which I mentioned in my prepared statement, which by the way

grew out of the 1984 labor agreement, has been extremely effective in achieving bilateral remedies to address the areas of discipline. It has expanded its jurisdiction into the area of grievance administration as well.

We are, without a doubt, an authoritarian organization, and we have been so for 200 years. We are trying desperately to change that. But I think it should not go without mention that for a good number of those years we acted under the disciplinary rules established by the old Civil Service Commission, which in my personal opinion was much more oriented toward a "canned" disciplinary, table of penalties, type of approach.

The approach that we have adopted through collective bargaining—and it's the approach that's been adopted in the private sector—moves away from canned discipline and labels. I think that if we have made any effort, even with the union's agreement, to go back toward that type of a system, we would create more problems than we would resolve.

I would like to point out, for example, where the labeling gets you. At one point in the study, two supervisors were asked whether unsafe practices were major or minor violations. Well, I couldn't answer that question and I don't think anybody else in this room could answer that question, because an unsafe practice includes coming to work with improper shoes, failing to tie your shoe lace, leaving the bottom desk drawer open. It also includes leaving your Jeep with the motor running, or going 70 miles an hour. It is primarily for that reason, as well as for the reason that we don't want to take any unilateral action when we have such an effective procedure going with our labor organizations, that we have declined to accept that recommendation of the GAO.

We have, as you have noted, taken advantage of the recommendations they have offered to educate our supervisors better. Some of the interviews that were conducted indicates a need for more guidance and direction. But I don't think the remedy lies in attempting to dictate, through labels and rules from Washington, what is a major offense or how many discussions should be conducted before formal discipline is taken.

The discussion is, after all, in essence, a means of making sure that an employee knows what the rules are and knows what is expected of that employee. There are many ways to ascertain whether that's happened other than through a discussion.

I think those are the essential points that I thought I wanted to emphasize, in addition to the recitation that was contained in my prepared statement. I thank you for the opportunity to be here and I would be very happy to attempt to answer any questions that you may have.

[The statement of Joseph J. Mahon, Jr. follows:]

STATEMENT OF JOSEPH J. MAHON, JR.
ASSISTANT POSTMASTER GENERAL, LABOR RELATIONS DEPARTMENT
BEFORE THE SUBCOMMITTEE ON POSTAL PERSONNEL AND MODERNIZATION
HOUSE COMMITTEE ON POST OFFICE AND CIVIL SERVICE

May 23, 1989

Mr. Chairman:

I am Joseph J. Mahon, Jr., Assistant Postmaster General, Labor Relations Department. It is a pleasure for me to be here today to discuss the administration of discipline in the Postal Service. We at the Postal Service appreciate your interest in this subject and look forward to working with you, and our colleagues in the postal unions, as we continue to fine tune this basic component of the employer-employee relationship as it currently operates in the nation's postal system.

One of our priorities in the Postal Service is to establish a better relationship between management and labor. As part of this effort, we joined hands with the American Postal Workers Union and the National Association of Letter Carriers to form a Task Force on Discipline. This group is working to reduce both the incidence and need for discipline in the postal workplace by creating innovative, alternative dispute resolution programs. A separate joint effort, charged with the same responsibility, was subsequently launched with the Mail Handlers Union.

As a result of the work of these two groups, modified discipline procedures are now in place, on a trial basis, at many postal facilities. The modified procedures are founded on the basic principle that corrective action should not be punitive. They require an employee and his or her supervisor to engage in

two informal discussions before any disciplinary action is imposed for first offenses not warranting immediate removal or suspension. These discussions are intended to help resolve problems and correct behavior that, if left unchecked, might lead to discipline. The pre-disciplinary discussions are held for each different type of offense committed by the same employee.

The new emphasis being placed on corrective efforts short of discipline appears to be paying off. The number of discipline grievances appealed to the Step 3 regional level dropped from 11,721 for the first 32 weeks of Fiscal Year 1988 to 5,915 for the same period this year. We are hopeful of even more dramatic results as the modified program continues to gain ground.

While these figures indicate that our efforts to reduce discipline are on the right track, the General Accounting Office recently suggested that further attention is needed to ensure uniformity when it becomes necessary to invoke disciplinary action. While we do not dispute GAO's conclusion, it is also important to recognize that we need to leave room for pre-disciplinary discussions and penalties to vary for valid reasons. For example, there are differences in the seriousness of misconduct; the repetitiveness of the infraction; the employee's work and discipline records; the relationship between the infraction and the employee's duties; and prior efforts taken to correct the misconduct.

The recommendations made by the GAO to encourage more uniformity in the area of discipline, generally are, in our view,

reasonable ones. Our ongoing cooperative tests with three of the postal unions address the suggestion regarding pre-disciplinary discussions for subsequent, but different, infractions. If these tests prove successful, the Postal Service and unions involved may be in a position to negotiate new contract language to make the modified procedures a permanent part of the postal workplace -- for only through the collective bargaining process can we make changes in disciplinary procedures for bargaining-unit employees.

Another suggestion was that uniform rules be developed for considering prior infractions. Our existing labor contract provides that all past infractions may be considered in a subsequent disciplinary action if less than two years have passed since the last disciplinary action. This is the usual practice. Grieved infractions also are normally considered -- even if still pending -- in order to show the progressive steps of the current disciplinary action being taken. If the prior discipline has been reduced to a lesser penalty, only that lesser penalty may be considered. We plan to take steps to assure better compliance with these standards, starting with a notice to the field reemphasizing these points.

We are also taking steps to remind concurring officials that in addition to considering whether discipline in a given case is appropriate, they should review the proposed penalty to make sure it is consistent with penalties issued in comparable circumstances.

However, the last of GAO's suggestions -- that the Postal Service define "major" and "minor" offenses -- seems to us to be impracticable. An incident which, out of context, may appear minor could have major significance when viewed in its particular factual setting. Accordingly, we feel it is important to allow supervisors to consider individual circumstances when evaluating the severity of an offense and determining the selection and degree of discipline. We will continue, however, to ensure that our managers have adequate support in making decisions concerning discipline. Labor relations professionals, drawing on their personal knowledge and the discipline data base, are regularly available to provide advice to line supervisors. Additional guidance is provided through our Labor Relations Review, which periodically publishes policy statements on discipline. Management officials at both the regional and local level also are valuable sources of information and guidance on the disciplinary process.

Finally, any unilateral action by the Postal Service would be inconsistent with the joint programs with the unions which we have described.

Mr. Chairman, that concludes my prepared remarks. I would be happy to answer any questions you might have at this time.

Mr. McCLOSKEY. Thank you very much, Mr. Mahon. We will be talking to you briefly in just a second, but first I would like to recognize a newly arrived Member, the distinguished Congressman from Ohio, Mr. Sawyer.

Do you have a statement, sir?

Mr. SAWYER. Thank you, Mr. Chairman. I have no statement at this time. I appreciate the opportunity to be here.

Mr. McCLOSKEY. Thank you very much, Tom.

You were here for the previous discussion with GAO, Mr. Mahon, and you read the report. You counsel against imposing national standards. Could you elaborate on that a little bit? Isn't the Postal Service a national organization?

I'm not talking about prescribing a solution or a rule for every case, because obviously there's going to be variations and a need for local flexibility. As Mr. Elmore said, isn't it quite likely that we had a tough guy at the helm in Dallas and maybe someone a little more lenient in Atlanta? I'd bet if we check the record, it ought to be fairly easy to get exactly similar situations where one person received a warning letter and the other one was terminated from the Postal Service. Isn't that a violation of due process?

Mr. MAHON. First of all, I don't think you can tell very much just from a statistical analysis as to what type of discipline was issued after one prior warning. But I think the important thing is—We definitely have hard-nosed managers, and we definitely have managers who are much more humanistic in approaching discipline. They set the tone in their office.

I point out to you also, however, that arbitrators set the tone in their office. Depending on what cases you litigate and are successful on, or what cases you litigate and are unsuccessful on, that will dictate what follows.

Mr. McCLOSKEY. On its face, though, doesn't a 92 percent warning letter approach versus a 96 percent suspension or termination approach point to a concern? Would there be any inspiration from the GAO report for the Postal Service to review that and see if one standard or the other—I'm not telling you which standard to have—is better?

Mr. MAHON. I understand that. I think the disparity of those——

Mr. McCLOSKEY. In some cases, as I've said, I think the Postal Service is being too lax, particularly with on-premises crime. But we're talking about someone being late or absent and maybe having one previous offense. We're going to find people similarly or identically situated in both those regions—in one area, as a matter of course, they were suspended or lost their job, and in the other area they probably got a warning letter.

Is that a cause for concern, or are we regaling in regional differentiation here and celebrating regional differentiation?

Mr. MAHON. I think the point I was trying to make is that not only do our managers differ but our employees differ in terms of expectations. I think you have to consider the whole thing. Certainly an employee in Lancaster, PA might expect a different reaction to an offense than someone coming from a large metropolitan area.

But you're correct. That wide disparity of reaction in what appears to be a similar case would entail some inquiry. It piques my curiosity. But you have different levels of concern in different

crafts generated by something like absenteeism. In some crafts, an employee being absent can generate tremendous problems and additional costs. Sometimes an absenteeism has no impact whatsoever.

Mr. MCCLOSKEY. You heard the previous discussion today as to training postal supervisors to implement employee sanctions and discipline. I'm sure you're doing something after all these discussions. Hopefully you're doing more than having them read a handbook. Could you elaborate on that a little bit?

Mr. MAHON. Yes, sir. As Mr. Elmore indicated, we have had for a couple of years now a very elaborate training program at our installation in Potomac, MD. We bring in approximately 6,000 supervisors a year. They spend four to five weeks being trained. A significant portion of that training is in the administration of the labor agreement, the grievance procedures, and in the administration of discipline.

I must emphasize that we do concentrate heavily on a humanistic approach, an approach of taking the least disciplinary action possible in order to correct the behavior of the employee. We emphasize that the goal is not to punish. The goal is to correct behavior.

We have additional courses which are available, as the supervisor gets a little more sophisticated, in conflict resolutions. Some of the same principles would be addressed in courses of that nature.

Mr. MCCLOSKEY. Could you speak specifically as to the levels of supervisory personnel who attend the training sessions and what sort of schedule it would take to get everyone certified through such a course? How are you moving on that?

Mr. MAHON. Generally, we're bringing in brand new supervisors. I believe that the 6,000 number that I gave you would be the number of newly appointed supervisors who are brought through.

We also have courses that are directed to manager of managers. That would be the level of supervision one level up. I believe those individuals are brought in at the time they are promoted, but they also may be brought in at the discussion of their supervisor.

Mr. MCCLOSKEY. Does it mean anything to you that one particular union reports that in 42 to 46 percent of their grievances, the supervisor's sanction is reduced or overturned by arbitration?

Mr. MAHON. You can do just about anything you want with statistics on grievances. If you want to limit it to arbitration, then you throw out of the universe all the cases that were withdrawn immediately to the steps of arbitration.

One of the somewhat humorous debates that goes on is when management and the unions compare their statistics and they both find they have won more than 50 percent of the cases. Of course, what each has done is counted any modification as a win. So, theoretically, if you won one, lost one, and split 98, you both would have a 99 percent success record.

Mr. MCCLOSKEY. Are any of your supervisors even sanctioned or disciplined for excessive discipline or arbitrary discipline?

Mr. MAHON. From my experience in the field, I would have to answer that question yes. If you asked me to document it, I would be afraid to tell you that I could. Generally, the philosophy prevalent in the disciplining of supervisors is to try to correct behavior

through means other than suspensions that might be utilized in the case of bargaining unit employees, and then going right to removal. Because if you suspend a supervisor, and that's known to the employees, the effectiveness of that supervisor is immediately dissipated. So there is a different type of philosophy that really does not allow me to testify with any degree of certainty how many times that happens, but I think that it does happen quite often.

Mr. McCLOSKEY. For one thing, you're saying you are taking advantage of many of the GAO recommendations. You would say, overall, things are getting better, more defined, more uniform, more humanistically oriented, rather than authoritarian. Is that right?

Mr. MAHON. We have been very pleased with the cooperation we've been getting from the unions that have been working with us on the subject of discipline.

Mr. McCLOSKEY. I would just point out an obvious thing. A particular postmaster or supervisor can do everything according to the letter of the law and all of the regulations and impose no arbitrary requirements on employees but, in essence, be hell to work for and a rotten supervisor. I have seen that on more than one occasion in Indiana in recent years. In most cases, the Postal Service has ultimately taken steps to correct that, but it has been at the cost of a lot of grief and turmoil.

I would like to get figures on how many of your—you don't have it today, of course—but how many of your postal supervisors and postmasters have gone through personnel and employee training on leadership, disciplinary, et cetera.

You say the Postal Service historically has been an authoritarian organization. Quite frankly, in my own personal experience—and this is not the fault of anybody, say, in Washington, D.C. and Mr. Frank would be the last person I would ever criticize for that—but it really strikes a cord. I mean, some of the people in my area have read books on winning by intimidation, rather than Dale Carnegie's how to get along and influence everybody. There has been some brutal stuff going on in the field. I would just hope, with all this neutral and positive and statistical talk today, that more than ever you realize that.

Mr. MAHON. Unfortunately, I can't argue with you on that. We have tried to extend the principles of employee involvement into the first level supervisory core through a process called "management by participation". I am hopeful that will make some further gains in changing the culture, as we're trying to do.

Mr. McCLOSKEY. I don't want to be too specific, but I could state a somewhat humorous anecdote. If I pinpoint the details of the anecdote, people could check and find out who I was talking about.

I do know however, in one particular case that all the courses in the world would result in no improvement. So, a course in itself is just a course if a person doesn't accept the substance and spirit of the course. But I do think the opportunity for such courses and training is very important.

Mr. MAHON. Then there's only one alternative left, isn't there?

Mr. McCLOSKEY. Yes. You promote them upstairs. [Laughter.]

Is there anything you would like to add?

Mr. MAHON. No, sir.

Mr. McCLOSKEY. I thank you very much. I know you're working harder and harder, and there are some problems. Hopefully, there are some improvements going on. I appreciate your testifying and I look forward to further hearings in a week or two.

Thank you very much.

Mr. MAHON. Thank you for the opportunity to be here.

[Whereupon, at 2:52 p.m., the subcommittee adjourned.]

[The following information was furnished in response to the chairman's request:]

TRAINING NEW SUPERVISORS IN LABOR RELATIONS

The Postal Service's newly promoted first-line supervisors undergo five weeks of training. This education, known as the Supervisory Training System (STS) has three parts: Supervisory Basics, Supervisory Skills Building, and Supervisory Leadership.

Supervisory Basics, which is taught at the new supervisor's local Postal Employee Development Center, includes topics on humanistic approach to managing, effective speaking techniques to communicate nondefensively, understanding the grievance procedure, and managing discipline. During Fiscal Year 1988, over 14,000 supervisors completed this part of the training.

Supervisory Skills Building, a two-week course taught at the William F. Bolger Management Academy in Potomac, Maryland, emphasizes distinguishing between effective and ineffective methods of interacting with others, and features application and skill practice in realistic postal situations. Topics covered include conflict resolution, team building, performance appraisal, disciplinary actions, and grievances. Nearly 11,000 supervisors completed this course in Fiscal Year 1988.

The final part of the training, Supervisory Leadership, is a one-week course taught at the Management Academy. It focuses on self-analysis; supervisors evaluate their managerial behavior style and evaluate its effectiveness in various job situations and with various employees. In Fiscal Year 1988, over 4,700 supervisors graduated from this course.

In addition to STS, shorter courses are offered at Postal Employee Development Centers and the Management Academy. These courses include Grievance Handling for Supervisors, Absence and Leave Control for Supervisors, Basic Labor Relations for U.S. Postal Service Field Management, Constructive Conflict Resolution, Managing Personal Effectiveness, Improving Group Performance, and Management Styles and Employee Motivation. Several thousand supervisors and managers took one or more of these courses in Fiscal Year 1988.

DISCIPLINE PRACTICES IN THE U.S. POSTAL SERVICE

WEDNESDAY, JUNE 7, 1989

HOUSE OF REPRESENTATIVES,
COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
SUBCOMMITTEE ON POSTAL PERSONNEL AND MODERNIZATION,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:08 a.m., in room 311, Cannon House Office Building, Hon. Frank McCloskey presiding.

Mr. MCCLOSKEY. Good morning. This hearing of the Postal Personnel and Modernization Subcommittee will come to order.

I am Chairman Frank McCloskey. I look forward to receiving informed and comprehensive testimony this morning on a very, very major problem and concern.

The GAO recently released a report entitled "Discipline Practices Vary," and we have had one hearing previously. Having gone over much of the testimony that is going to be presented today, it seems obvious to me that there are concerns as to some aspects that the GAO perhaps did not emphasize—the quality and the efforts for improvement in disciplinary matters rather than just the problems of substantive and statistical inconsistency. Obviously, consistency and the qualitative aspects of the program are super important.

In my experience with postal employees, postmasters and supervisors in Indiana particularly and elsewhere around the country, I would say that 90 to 95 percent of all postmasters, postal supervisors, managers, and employees, are outstanding and dedicated people. But given all the pressures and traditions of the Postal Service, some of the financial dynamics that are going on right now, and a problematic postmaster or supervisor, or as Postmaster General Anthony Frank says, someone practicing in the old authoritarian winning by intimidation type school, more and more there are obvious problems.

Unfortunately it has been my experience, particularly in Indiana, that things do not change in that regard unless there is concerted pressure and highlighting the problem by numerous people and concerned groups. It is very, very unfortunate that a positive change and improvement takes that long.

As you may know, the Los Angeles Times recently ran a lengthy front page story on grievances within the Postal Service. The centerpiece of the story concerned a letter carrier from San Diego who committed suicide on March 25, 1989, at his place of employment,

the U.S. Post Office in Poway, California. The 22-year postal veteran cited harassment by his postal supervisors, along with medical and financial problems as reasons for his suicide. There were also some personal and marital problems, according to people knowledgeable with the case. But there is a feeling, that in many cases, the on-job conditions at the post office contributed to these problems.

Another colorful item in the news as recently as May 9 describes a distraught mail handler who stole a single engine airplane and strafed the general mail facility in Boston where he worked, firing an AK-47 assault rifle at the loading dock. Obviously, he was in shape if nothing else.

These incidences, along with numerous others, demonstrate the need for immediate change in the authoritarian attitudes of postal management. Over the last three and a half years, there have been 355 recorded instances where employees have assaulted supervisors and 183 instances where supervisors have assaulted employees. These are just the recorded instances of assaults.

Postal Service officials have acknowledged that the agency is an authoritarian organization and has been so for over 200 years. I have talked repeatedly about this to Postmaster General Frank, and the Postal Service is trying to change that image through such programs as the NALC-USPS employee involvement process and the new management by participation process which was signed by the National Association of Postal Supervisors, the National League of Postmasters, and the National Association of Postmasters of the United States.

However, the signing of agreements to participate is not enough. As one postal employee said to me, "The Postal Service says sign this agreement and we will get better on discipline. Why don't they just do it?"

The GAO found that improvement is still needed as the use of discipline varies significantly both within and among divisions in penalties for employees who committed second offenses. I think these contrasts are stark.

In Atlanta, letters of warning were issued 92 percent of the time for employees who were absent with one prior infraction, and suspensions or removals were issued about 7 percent of the time. In sharp contrast, the Dallas Post Office issued letters of warning in 2 percent of these kinds of cases and issued suspensions and removals about 96 percent of the time.

As I said previously, this varied approach to disciplining employees has created serious problems which affect morale and productivity within the workplace.

The Postal Service is perhaps 40 years behind the times and the changes they are trying to implement appear to be slow in coming. I do know the Postal Service is trying and there are some positive trends which we heard about at the last hearing. Particularly the trends in national grievances totaled are substantially diminishing.

GAO's study documents the inconsistencies in the Postal Service's disciplinary policies. Workplace violence and stress indicate that there may be deeper problems with the Postal Service's disciplinary system than regional disparity.

I am concerned that the Postal Service has placed such an emphasis on improving efficiency and lowering costs that it has forgotten about the physical and mental wellbeing of its employees. Increased productivity can be achieved without the kicking tail and taking names philosophy promulgated by so many postmasters and supervisors.

It now appears from the Postal Service's testimony that it intends to address the concerns raised in this GAO study through a series of pilot programs. These programs have impressive titles but may unfortunately prove to be merely cosmetic changes to the current system.

It has been proven in the private sector that labor-management cooperation can result in greater productivity, lower costs and improved employee morale. It is high time that the Postal Service move away from attempts to reform an adversarial disciplinary system and begin genuine labor-management cooperation. As I have said, some efforts are being made and with some success. Clearly, the human cost of current excesses of the postal disciplinary system indicate that immediate changes, however, need to occur.

Today we will be hearing from both management organizations and labor organizations regarding the GAO study. I want to thank all our witnesses for their insights and look forward to hearing from them. And I might say, since we have numerous outstanding and qualified witnesses and comprehensive testimony, I would encourage witnesses to be relatively short, perhaps 5 to 10 minutes. Summarize and emphasize what aspects of your testimony you would most prefer, but all the statements will be accepted in entirety for the record.

With that, I would like to welcome the gentleman from Indiana, Mr. Burton, and ask if he has a statement or any observations. Dan, good morning to you.

Mr. BURTON. Thank you, Mr. Chairman, for allowing me to make a comment or two, especially since I am not on this subcommittee. I have to go to another meeting at 10:30, but I will return. I am anxious to hear the testimony from the witnesses, and I will listen to what they have to say with great attention.

Mr. MCCLOSKEY. Thank you, Mr. Burton.

The distinguished gentleman from Ohio, not quite a Hoosier, Mr. Sawyer.

Mr. SAWYER. If I had been a Hoosier, I might have gotten to make an opening statement. But I will forgo that, Mr. Chairman. The message is loud and clear. [Laughter.] I understand.

Mr. MCCLOSKEY. There is a certain bias. I'm sorry. [Laughter.]

Mr. SAWYER. I learn more from listening than from talking anyway. Thank you very much, Mr. Chairman.

Mr. MCCLOSKEY. We are happy to have Mr. Rubin Handelman, President of the National Association of Postal Supervisors. I look forward to your testimony. Good morning, sir.

STATEMENT OF RUBIN HANDELMAN, PRESIDENT, NATIONAL ASSOCIATION OF POSTAL SUPERVISORS ACCOMPANIED BY BOB McLEAN, LEGISLATIVE COUNSEL

Mr. HANDELMAN. Good morning, Mr. Chairman and committee members. With me this morning seated beside me is our legislative counsel, Mr. Bob McLean.

I appreciate this opportunity to testify on behalf of our members concerning the GAO report on postal discipline equity. This is a subject of great interest to postal supervisors. While the individuals who are the object of discipline, as described in the GAO report, are clerks and carriers, some of the same problems exist for postal supervisors, also the victims of inconsistent and often harsh disciplinary actions.

The Postal Service has, since the beginning of the tenure of Tony Frank as postmaster general, made a concerted effort to change from an authoritarian organization to one more concerned with human relations. This is a concept we support and, as first-line managers, are working hard to make a reality. To that end NAPS, along with the two postmaster organizations, recently signed on as full partners in the new Management by Participation process. Our National Secretary Margarete Grant is a member of the MBP national steering committee, as is one of our area vice presidents. Reducing discipline will be a key objective of the MBP process. However, it will not eliminate the need for discipline.

So, how are we to achieve consistency in discipline? There are two factors that inhibit the Postal Service ever achieving the type of consistency sought by GAO, even considering the qualifiers the agency applied in its report. One is institutional, the other more the result of human nature.

You well aware, Mr. Chairman, of the problems that have occurred following the reorganization in which the divisional concept was first instituted. This system, while not totally without benefits, has created a number of problems, especially for NAPS. Consultation rights on a national basis to this association have become extremely difficult because of the tremendous sense of power given to the division managers. For this reason, if a manager requires that supervisors strictly apply discipline for minor or major rules infractions, the supervisors must do so. With 75 divisions in existence and 75 personalities setting policy to some degree, wide variances in the application of discipline is inevitable. This is only one problem NAPS has experienced under the divisional concept.

While we are concerned with extreme differences in discipline cited by GAO, we agree with the Assistant Postmaster General for Labor Relations Joe Mahon's general sentiment that total consistency is not possible regardless of the organizational system, the personality of the division manager or the level of training given managers and supervisors. This brings me to the second obstacle to consistency, and that is the human factor.

Because of the differences in employees and managers and the situations that develop between them, consistency as measured in a purely statistical survey such as that conducted by GAO, is just not possible. It is not an objective we would pursue because it assumes

that all factors surrounding a rules violation are the same. That is not often the case.

Reviewing disciplinary violations in one or more categories overlooks the fact that each case is in some ways different. I realize that GAO did conduct a number of interviews in preparing their study, but the majority of their conclusions are based on compiling statistical information. If that is the measuring stick, we will never realize anything approaching national equity.

To more specifically answer this issue of consistency and its value, let me respond to the four major recommendations made by GAO.

Number one, define for major and minor offenses to clarify when predisciplinary discussions should be given in lieu of discipline.

Predisciplinary discussions should be encouraged regardless of the offense so that employees have the opportunity to answer the charge made against them. However, we believe a recommendation to define exactly what is a major or minor offense just isn't workable. Every situation or rules violation cannot be predetermined as a major or minor offense because it ignores the fact that virtually every situation is different.

A second problem with predetermining what is a major and minor offense is that it would at times require a much greater punishment than currently a supervisor might administer. Put simply, if a good employee is having a bad day, we don't want to assess them a heavy penalty, whereas with an individual who has a history of violations, the need for serious discipline may be greater.

Number two, clarify whether predisciplinary discussions should precede disciplinary action for subsequent but different infractions committed by the same employee.

Predisciplinary discussions should precede disciplinary action for subsequent actions committed by the same employee. However, it should be the option of the supervisor to consider infractions of the same type or from another category. The decision should be made based on whether the discipline would be punitive or corrective. NAPS endorses discipline when it is corrective.

Number three, develop uniform rules for considering prior infractions, including guidance on whether to consider only like infractions or all past infractions, what time frame of past infractions should be considered, and whether to consider grieved past infractions that were reduced or pending.

We do not agree with this recommendation because it would reduce the flexibility of the supervisor to judge the infraction and limit their ability to judge the employee's previous performance, attitude and work ethic. Who knows the employee better than their immediate supervisor?

As far as a time frame is concerned, the national agreement already stipulates that only infractions that occurred within the last two years will be considered.

Concerning whether or not a supervisor should consider grieved infractions, any pending grievance would not be considered as a previous infraction. If a grieved infraction was reduced, but remains on record, it should be considered.

And number four, issue guidance to require concurring officials to review proposed suspensions and removals for consistency of penalties.

I fail to see the value of this recommendation which again eliminates any consideration of the proposing official's knowledge of the employee and their reasoning for the severity or nonseverity of the discipline. And unless we are set to up a national clearinghouse for reviewing discipline consistency, a totally unworkable concept, it would not result in substantially more consistency than we now have. It should be noted that if we were to take the same case to six different arbitrators, we most likely would not come up with six identical decisions.

The other problem with this recommendation is that it would establish discipline as a punitive measure, not a corrective one, and NAPS supports the use of discipline as a corrective measure, intended to get employees going down the right path, making them more responsible and productive employees.

In closing, let me again stress that the National Association of Postal Supervisors does not encourage the kind of heavy-handed discipline which prompted this hearing and the GAO report. We need to and must change the labor relations philosophy on the workroom floor if we are to ensure the future existence of the United States Postal Service. It is quite simply that important.

Additional training to improve labor relations and disputes in the work place should become a priority, but the type of statistical consistency suggested by GAO is not feasible. It is not an accurate measurement of good management. Postal supervisors and managers must be given some latitude in making disciplinary decisions and should be recognized for their knowledge of an employee's performance, attitude and work ethics.

Mr. Chairman, I would be happy to answer any questions you may have.

Mr. McCLOSKEY. Thank you very much, Mr. Handelman for an excellent statement.

Without being critical, I must make a general observation that, even though I agree you cannot totally pin down as an absolute rule everything to be considered in these disciplinary cases, don't you think it is healthy to have a general policy as to whether, for example, discipline would be considered for only similar infractions or whether all infractions would be considered? There are some very basic policy decisions which really do not get to the merits of all of the cases that are totally different, depending on the supervisors involved.

Don't you think there is a middle way between the way it is done now and maybe what the GAO is suggesting?

Mr. HANDELMAN. Well, let me give you my opinion. I guess maybe there is something where you can say for like infractions, a penalty here or a penalty there, but I think the individual is more important, meaning if I pose the same question to you—let's say you have a person working for you for the last 15 years and a person that just came on board for a year. They both went out and they committed the same type of infraction. Would their penalty be the same?

Mr. McCLOSKEY. One had blue eyes and one had brown eyes.

Mr. HANDELMAN. Well, whatever. Maybe. Maybe one had blue and one had brown.

The only thing is I say that normally if a person is a good employee, and they have been for many years, and all of a sudden they make their first error. And you take the individual that has made errors down the line and has been spoken to time and time again. Should their penalty be the same? I don't think so.

I know they tell you you are supposed to treat people the same, and I think managers are told that they try to treat the people in the same manner if they possibly can. But sometimes with discipline it is very difficult to do.

And you are supposed to go according to past records. Past records should count of an individual.

Mr. MCCLOSKEY. Well, we could go on and on about this.

How about the Atlanta/Dallas contrast where basically in the same situations 96 percent get suspended or canned in one region and 92 percent will get a warning letter in the other region? It would seem to me—and I have talked to the GAO representative who was in the field on this—without knowing the personnel involved, but just to make a rhetorical point a little bit, the only difference in the situations is that in one region the manager is Mother Teresa and in the other region the manager is Donald Trump. Don't you think there is a possibility for a national uniform concern there?

Mr. HANDELMAN. I guess there is and I guess the variance that you pose may be a little too great, but I think there will always be a variance when you are dealing with human nature and human beings. I don't think you would ever get it with the same amount of disciplinary actions in each location. I don't think it will ever hit on the same percentage. I think there will be a variance, but it should be closer than what the GAO did find. I have to agree with you there. But we are dealing with people.

Mr. MCCLOSKEY. There always has to be discretion and individual judgment. I would definitely agree.

Do you have any comments on the heavy-handedness you see out there among postal management? Of course the Postal Service is a big organization, but there are some real horror stories out there and I have seen them on the ground in Indiana, so to speak. Without being specific, it seems, as is so often the case, that it only gets corrected after turmoil and grinding and strife and stress and worse go on for years.

I talked to people. I know the Postmaster General doesn't believe that should be the case, but how far is it getting down there in application? So often taking the personnel course on improving management communications and Christian ethics in the work place doesn't seem to cut it with these guys. They take all the courses, and they still come back and run people off the floor on Christmas eve who are dispensing cookies to fellow employees and things like that.

Mr. HANDELMAN. You know, we have had an authoritarian system for many, many years, and I guess since Postmaster General Tony Frank got his position, he has been expounding treating people with dignity, respect, courtesy, et cetera. And we go along with that too. I think our supervisors sometimes feel the same

thing that the craft employees are feeling where they mention from the supervisor we sort of say the same thing that we are getting from upper echelon.

How fast can you cure an authoritarian system? Could it be done in a day? Could it be done in a week? Could it be done in a year? I think we are on the right track. I think in many areas of the country we are trying to go along with the Postmaster General's edict of treating people with courtesy and respect and dignity, and hopefully it will filter down to everyone. In fact, maybe supervisors can use additional training. Training never hurt anybody along these lines.

Mr. MCCLOSKEY. Don't you think it is the case that often the most arbitrary people, when they finally have to go, either get promoted or laterally transferred?

Mr. HANDELMAN. Well, I don't know if that is the case all the time, but I guess it does happen.

Mr. MCCLOSKEY. There is just so much of this. According to the L.A. Times story, in eastern Los Angeles County union officials said one carrier was reprimanded for injuring herself by tripping on a sidewalk while another was disciplined for making—and I am not grinding on you on this, but maybe word will get out to the Postal Service to correct and avoid the problems—excessive motion when he sorted his mail for delivery. Others have been reprimanded for talking too long with patrons along their routes. Obviously, if it is too long, there can be a production problem.

But there is just so much of this. In the aftermath of the Edmond, Oklahoma disaster, people were told not to read sympathy notes except on their own time, I mean, given the psychological trauma that followed that.

Again, Rubin, I am not grinding on you, but things are moving slowly out there. I am not saying it is not moving, but to me it is moving too slowly. I think 90 percent of all the supervisors and postmasters are great, but I guess what I am saying, is that there is more than one bad apple in a barrel.

Mr. HANDELMAN. I am not doubting you. You can always select something, and if I had the time, I can select all the good cases where things happen and we let the individual alone and we let the individual alone. And I guess it's the same thing with the percentages you just mentioned where in some areas of the country, the percentage is high for letters of warning only and in other places it is discipline all the way down the line.

We are trying different things with the unions. I think we have a program with the carriers' organization in one particular city. That seems to be working where cases don't go to arbitration, where they try to settle it between a union person and a management person. We are trying everything along these lines.

I think it will work. The only thing is maybe it is taking too much time. I don't know how you can go faster, but I think it definitely will work. I think it is necessary that it must work too. I agree with a lot of things that were found.

Mr. MCCLOSKEY. Something I have observed, and I think I have read some quotes from you previously, is that postal supervisors themselves can be involved in the middle of all this stress in a very deteriorating way.

Mr. HANDELMAN. If I had to say something, I think that the postal supervisor has it more difficult than a craft employee or than upper management. I think they are in the middle and they are supposed to take it from the people on top of them and the people underneath them. But that is the job.

Mr. MCCLOSKEY. In one case I know of, the postal supervisor, middle management in effect, was called in the morning. He got beat up on and thrown against the wall and was told to go out there and push it on down the line. Is that more than an occasional or a very rare syndrome?

Mr. HANDELMAN. Well, it happens. In your talk this morning you happened to mention how many times supervisors were assaulted by craft employees and how many times supervisors assaulted craft employees. That percentage seems to be low on behalf of the supervisors. Maybe it should be a little higher.

Mr. MCCLOSKEY. But there are fewer supervisors. They are doing pretty well for themselves statistically, don't you think? It sounds like a rugby match or something.

Well, is there anything else you care to add, Mr. Handelman? I thank you for excellent testimony.

Mr. HANDELMAN. That's all I have.

Mr. MCCLOSKEY. Thank you very much, sir. I'll speak with you soon.

Our next witness is Mr. Vincent Sombrotto, President of the National Association of Letter Carriers, and with him, of course, is our good friend Mr. George Gould. Good morning, gentlemen. Please proceed as you see fit.

STATEMENT OF VINCENT R. SOMBROTTO, PRESIDENT, NATIONAL ASSOCIATION OF LETTER CARRIERS, ACCOMPANIED BY GEORGE GOULD

Mr. SOMBROTTO. Good morning. My name is Vincent R. Sombrotto, President of the National Association of Letter Carriers, AFL–CIO. The NALC represents over 315,000 city letter carriers presently employed or retired from the United States Postal Service.

I wish to thank you for this opportunity to present my views on the administration of discipline within the Postal Service.

Let me emphasize at the outset that although there are times when supervisory personnel must take disciplinary action against their employees, such action is never desirable. If the discipline is not warranted, then the action itself will have adverse effects upon the morale and ultimately the productivity of not only the affected employee, but the entire work unit. The economic and human costs of such declines in morale and productivity should be clear.

Of course, an additional financial cost for the employer arises from the procedures for due process established under the collective bargaining agreement, and I might add for the unions representing those employees as well.

Perhaps less obvious is the cost of justified discipline. Justified discipline more often than not arises when employees are unhappy with their work and their work environment. The discipline, therefore, reflects poor morale rather than causing it, as is the case with

unjustified discipline. Either way, low morale will lead to low productivity and poor service to the customer which, in the case of the United States Postal Service, is the American public.

It is because the National Association of Letter Carriers has been concerned about the effects of excessively frequent and excessively severe discipline upon both letter carriers themselves and upon the Postal Service that we have been exploring with postal management a variety of different approaches to improve the quality of working life of carriers and their supervisors, thus reducing the amount of discipline whether justified or not, and also to resolve as quickly and as amicably as possible disputes about whether the discipline itself was justified.

Our attempts to improve the quality of work life of letter carriers and supervisors, that is, the total working environment, led us to join with the Postal Service in 1982 to establish a joint employee involvement process. Built around the principles of information sharing, trust and open communications, the NALC-USPS employee involvement process has permeated post offices large and small throughout the country over the past seven years.

We have trained perhaps as many as 80,000 carriers and their supervisors in communications, joint planning and decision making and similar human relations skills. Hundreds of union and management facilitators have also been trained as have been members of the more than 200 local joint steering committees.

At present at least 6,000 work teams meet regularly to search for joint solutions to common problems. The ideas, the energy and the accomplishments of these work teams and local joint steering committees has been truly impressive.

But EI has not been a panacea, and it has not changed the hearts and minds and, most important, the behavior of postal managers in many locations. A year ago or so, we realized that adversarial relationships were still the norm in too many locations and that far too many disciplines were being issued. This led, as one would expect, to far too many grievances being filed.

It was because of this situation that the NALC and the Postal Service joined together to see if we could push their cooperative efforts more directly into the area of labor-management relationships. Our goal was to see whether we could reduce the number of instances giving rise to grievances, especially to disciplinary actions and then, when grievances do occur, to resolve the grievances as soon as possible.

Arising from this effort, which was sponsored by the NALC-USPS Joint Employee Involvement Committee, was a joint commitment to reduce in fiscal year 1989 by one-half the number of step 3 grievance appeals, the number of arbitration appeals, and the number of EEO complaints initiated. This commitment took concrete form in a statement of goals and principles which Postmaster General Anthony Frank and I signed on August 31 of last year. And I would like to enter into the record a copy of that joint agreement.

Mr. McCLOSKEY. It will be entered into the record without objection, Mr. Sombrotto.

[The joint agreement follows:]

NALC AND USPS JOINT COMMITMENT TO IMPROVE LABOR-MANAGEMENT COOPERATION IN THE WORKPLACE

Over five years ago, the National Association of Letter Carriers (NALC), AFL-CIO, and the United States Postal Service (USPS) committed themselves to a joint effort to improve the quality of work life for letter carriers and their supervisors in the Postal Service through the joint development of an employee involvement process. The parties at that time stated they believed that "by directly involving employees in the identification and solution of workplace and service-related problems, relationships between letter carriers and supervisors will improve; employees and supervisors will experience a heightened sense of personal dignity and self-fulfillment; and service to the public will improve."

The Joint Employee Involvement (EI) Process has made substantial progress during the last five years. Some 60,000 individuals have participated in the process during this period—and today over 5,000 work teams meet regularly to wrestle with a wide variety of operational, business and human relations issues. Although the impact of EI has been uneven, in general we can say with confidence that the process *has* changed the climate of human relations within the USPS. Nevertheless, we are also forced to acknowledge that workplace relationships have not improved as much as they can and must. Tension and antagonism remain at an intolerable level in many work locations, and the number of grievances filed and arbitrations conducted is also unacceptable.

In recognition of this conclusion, both the NALC and the USPS hereby commit themselves to taking joint action at the national level under the sponsorship of the National Joint Employee Involvement Committee by providing resources and skills to improve the quality of human relations at the work floor level in an effort to dramatically reduce the number of grievances filed and the number appealed to arbitration.

With this renewed commitment to eliminate the climate and the incidents which give rise to grievances and complaints, the parties agree to set as goals for fiscal year 1989 a reduction by one-half of the number of Step 3 grievance appeals, the number of arbitration appeals and the number of EEO complaints initiated. We do not expect that these goals will be met by employees foregoing the filing of legitimate grievances or EEO complaints. Instead, we expect that these goals will be met by union and management representatives alike concentrating on working out problems before they become grievances or EEO appeals, and where grievances or EEO appeals are filed, concentrating on resolving them quickly and fairly.

Field Division General Managers along with NALC National Business Agents (NBAs) will make an accounting period review of progress toward these goals.

In support of these goals, we endorse the following actions by both NALC and USPS representatives:

USPS

- Supervisors should not issue discipline as a tactic to harass or intimidate letter carriers. Discipline should be issued only when all other efforts at correction have failed.
- All managers should anticipate and resolve problems with supervisors, employees and the union before grievances are filed.
- In accordance with the letter and spirit of the collective bargaining agreement, Field Division General Managers/Postmasters should encourage line management and labor relations representatives to resolve grievances that arise and not allow issues which should be resolved locally to be elevated to a higher level.

NALC

- Stewards should work to anticipate and resolve problems before it is necessary to file grievances.
- Stewards should not file grievances simply as a tactic to gain attention of management.
- NBAs and NALC branch presidents should pursue only meritorious grievances and branch presidents should consult with their NBA when in doubt.

We believe that, with NALC and USPS people working together in accomplishing these goals and action steps, a workplace environment with dignity and respect will be created and maintained.

Vincent R. Sombrotto

Vincent R. Sombrotto
President, National Association
of Letter Carriers, AFL-CIO

Anthony M. Frank
Postmaster General
United States Postal Service

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Mr. SOMBROTTO. I think it is important to note parenthetically that when one reads the joint agreement, we commit ourselves, both parties. The union will pursue every grievance when there is justifiable cause to pursue those grievances. And management will pursue them from their standpoint, that is, to withdraw grievances or to not file disciplinary actions against employees when it is pointed out that they are unjustified. The results thus far have been that we have reduced the grievances by more than 50 percent. That record is there. And it has been accomplished in many jurisdictions where neither party would have believed it possible prior to that agreement.

But our efforts went far beyond the signing of a piece of paper. Through the cooperation of key individuals involved in the joint EI process, as well as national and regional labor-management relation figures from both the NALC and the Postal Service, we have initiated a program to disseminate to the field a number of discipline modification dispute resolution and trust-building programs. These programs are designed to establish a climate where most work place problems can be resolved without resorting to the issuance of discipline, and thus without resort to the grievance-arbitration procedure existing in the collective bargaining agreement.

Fiscal year 1989 is far from over, but the results thus far are impressive. During the six months from November 1988 through April 29, 1989, the number of NALC disciplines appealed to step 3 numbered 13,005. This is less than one-half of the 27,055 appeals to step 3 which occurred during the six month period from May 1988 through October 1988. We should remember that this dramatic improvement occurred at a time when the carrier work force was continuing to grow.

As impressive as our national figures are, even more impressive are some of the figures for particular parts of the country. For example, in the Atlanta region of the NALC, an area which includes North and South Carolina, Georgia and Florida, grievances declined from 273 in the May-October 1988 period to 54 between November 1988 and April 1989, a decline of 80 percent.

Mr. Chairman, to bring this matter closer to home, that is, in your home, I should mention briefly what the NALC and the Postal Service is doing to improve relations between the parties in Indianapolis. Recognizing the high incidences of both discipline and grievances in the Indianapolis division, a reflection of poor relations between employees and supervisors and between the union and postal management, the NALC and the Postal Service at the national level are now introducing into the Indianapolis division of the Postal Service the labor-management plan. This is a multistage problem identification and trust-building program which the union and postal management have employed with success in a number of problem areas throughout the country.

And let me point out here too we have—as I pointed out, when you deal with an institution that employs in excess of 800,000 people and people are working in some 40,000 locations, the human element, in fact, always comes into play. You are going to have individuals that are not suited to supervise pigs, let alone people. And so, you have to deal with that because what happens, you will see generated grievances from those areas. When that happens and

we identify these problem areas, the first thing we do is get together with management and say we have to do something about that and we send a team jointly into that area to try to resolve that problem.

Just two weeks ago I personally went down to Miami, Florida with the senior assistant postmaster general of employee relations to clean up a problem which we did. We were successful in cleaning it up and cleaning the air and had a success in putting the parties together so that each party understood their rights under the contract.

These are the kinds of things that we have been trying to do to alleviate the problem of grievances. And as I said, I believe today there is somebody in Indianapolis. Our vice president, Lawrence Hutchins, is there trying to implement this program.

Phase II of the labor-management plan is being held in Indianapolis today and tomorrow to enable the local NALC leaders and division level postal management to understand their rights and responsibilities under the collective bargaining agreement and applicable law.

Phase I which was held in May involved the interviewing of the carriers and their supervisors of how they perceive the problems in their relationships. This information was then presented to the key union and management figures in the division in preparation for today's phase II.

And I might add that here again is what the NALC philosophy is. I represent letter carriers. They are my union; I'm not the union. The union is made up of people that are carrying mail every day. They must have a say-so in what their future is, and they don't get that say-so just by electing me. They have to have some kind of an input into their own working conditions. And that is what we believe in. We believe in talking to the people and having them on the workroom floor getting involved in the solutions to the problem, first identifying the problems and then trying to figure out the ways to solve those problems.

I am hopeful that the labor-management plan will over time make a significant difference in the quality of relationships in the Indianapolis division of the Postal Service. I am equally hopeful that other initiatives currently being introduced into the field will also improve relationships throughout the country. To the extent that the number of appeals of discipline grievances to step 3 is an indication of what is happening in the field, there is good reason to be optimistic.

Let me conclude, however, by stating that as much as the NALC is committed to improving the general work climate and to reducing the amount of discipline within the Postal Service, we remain committed—and I emphasize committed—to protecting the rights of our members. The national agreement between the parties provides for due process procedures for employees who believe they have been subjected to unjustified discipline. To the extent that postal management issues discipline in these situations, the NALC will render the most effective possible representation to our members in an effort to achieve justice at the work place.

I thank you for the opportunity of being here today, and I would be delighted to respond to any questions.

Mr. McCLOSKEY. Thank you, Mr. Sombrotto.

You refer, and I think justifiably proudly, to a 50 percent decrease in grievances filed and to a cooperative and improving relationship with postal management.

I have read your testimony previously but I may not have highlighted it in my own mind, but do you have any numbers on that right now? Particularly, could you estimate in a year what it could be saving the Postal Service in time and hours and grief?

Mr. SOMBROTTO. Well, that is important. That is important how much money that the Postal Service saves.

Mr. McCLOSKEY. I said grief, and the converse of that is positive employee and human relationships.

Mr. SOMBROTTO. That's correct.

Mr. McCLOSKEY. Quality of life, quality of work place.

Mr. SOMBROTTO. More importantly is that you create a work place, a work site, environment that is deplete of hostility intention. If you accomplish that, then the savings are immeasurably more than just the dollars that you saved because you process grievances. I am more interested in the human factor as I am also interested in the question of savings because, as I point out, the union is also saddled with a great deal of expense in going through this process.

But the most important thing to recognize is the individuals in the work place and how they come to work, in what spirit they come to work and how they leave that work place. And we have to find and devise a way to make sure that that is the most tranquil and peaceful and safe work place that the parties can provide.

Mr. McCLOSKEY. In commenting on the Los Angeles Times story, L.A. Postmaster Charles King is quoted, "There are not that many companies as large as the U.S. Postal Service, but I don't know of any company that has the amount of grievances we have."

Would you say that is probably the case as far as the private sector? What is the real cause of such tension, Mr. Sombrotto, and how fast is it improving? What can you see out there in management improvement right now, for example?

Mr. SOMBROTTO. Well, I know there are bona fide attempts made at the national level through the Postmaster General and the committee that we have set up to review these questions. I know there is an absolute commitment to resolve these.

Now, as I said, you are dealing with an institution that employs more than 800,000 people at 40,000 locations, probably over 100,000 people in supervisory capacity of one stripe or another. Even a simple law coming from the Postmaster General to be diffused through that system literally takes a year for it to take some effect. That is what happens. It's the nature of any bureaucratic institution such as the Postal Service.

But we are trying to cut that time. We try to shorten it, and the way we do it is by trying to put more responsibility on the people at the local levels to make decisions that will control what happens in their own work environment. Let me give you an example.

We have all kinds of processes out there. We have some, and I think the previous witness testified to the fact that where we select a member of our union, a union representative, to sit with a management representative, and they become a court. It's aside from

the due process setup in our grievance procedure in the contract. And they make decisions as to the justification of a grievance or not. And we have had an enormous amount of success.

I can point to a region where we haven't had three grievances in the last eight months because we have this program, and justice is being put forth. There are no real conflicts. You are always going to have conflicts, but to the degree that you are talking about.

And we believe in that. We have other kinds of programs, the NOTOL. We have Listen. We have all kinds of programs that fit the different areas of the country because people have different ways of approaching a problem.

But all of them are designed to do one thing. They are designed to eliminate those areas that create the tension within the workplace. Some of them are more successful than others, but we keep trying to improve it, and I think all any of us can do.

Mr. McCLOSKEY. Do you see any better communications along the lines of preventing problems before they are started? When someone is appointed a postmaster in a major division or assumes a supervisory position, whatever his skills are with financial data or administrative detail, you know it is going to be a disaster when the person of a particular personality set assumes an office. For lack of a better term, let's call it the authoritarian style.

One of the things I think we are all stressing to postal management is you can't send somebody in who is Captain Queeg or Captain Bligh anymore. You just cannot do it. The turmoil is too much. Is there any early warning communications or notification that in good will recommendations can be made?

Mr. SOMBROTTO. Sure, and unfortunately we do have the Captain Queegs in the Postal Service. And when we identify them, we certainly try to alert management to the fact that that kind of a person would be better suited to managing skids or tubs than people and they should be put in a locker somewhere and forgotten about. And where management cooperates in their way, that's fine.

But you asked the question and I didn't respond to it totally. You asked me why are these pressures created at the local work place. Another reason, of course—and here national leadership in the Postal Service has to bear responsibility—is the question of budget considerations. All too often folks at the lower level, managers at the lower level, are saddle with budgets that they cannot meet, and therefore they try to force square pegs into round holes. And one of the ways of doing that is to try to be aggressive in the way that you supervise people in trying to meet that budget, and just the opposite ultimately happens because there is a breakdown in the system.

And one of the things that we would like to do is to address that question of how these budgets are achieved and who makes those decisions.

See, one of the easiest things for anyone to do is to criticize. Now, I can criticize as good as anyone in the country and have. The fact of the matter is that when somebody asks you to help them make a decision how to resolve the problem, then there is a burden put on you to either put up or shut up. And that is what we have been trying to do is to point out where the deficiencies are and asking the other side, management, to allow us to cooperate in finding the

solutions. And that is what we have been about through the EI process and a number of other questions.

And I would point out that while I did say that the upper postal management was responsible for the budgets, I want to point out that one of the things that is frightening to all of us in the Postal Service, including postal management, is the kind of draconian cuts that the administration is talking about through its representative, Richard Darman, that would create even a greater tension within the Postal Service to meet those kind of cuts if they were implemented. And there you can understand why we are fighting together on that issue to see that those—that is, all of the folks in the Postal Service, both unions and management representatives, including the Postmaster General, to see that those cuts don't come about.

Mr. McCloskey. In line with what you are saying, which obviously not only implies but underscores the need for realistic expectations and responsibilities for the employee in the workplace, is an interesting item in the L.A. Times article relating to letter carriers. "Union leaders complained that many routes have not been changed for years to compensate for different traffic patterns, new developments or similar significant alterations in the course. As a result, carriers are hard-pressed to complete their deliveries on time. Occasionally, some say, carriers simply dump their mail and return, an offense that will get them fired."

Can you comment on management's view of the demands of the workplace and the changing routes with construction and business and volume on the routes? Is that an ongoing problem?

Mr. Sombrotto. Sure. And it is our most serious problem. Because it is our problem—we might as well have it on the record that we are engaged in a joint effort together with all elements of our union and postal management to resolve this problem. We are going to solve it together. It is not going to be management which makes a decision how routes are adjusted in the future. That decision is going to be made by the union through its representatives, including rank and file members, and the Postal Service. We take that responsibility. It is a burden that we put on ourselves. We say we can show you how to do it, and they said, okay, let's sit down and work it out. And we'll do that because it is a serious problem. It's the gut of the problem in the problems for letter carriers.

Mr. McCloskey. What is the system now, Mr. Sombrotto? If you have 500 new units go up in an building place on your route and you still have the same time and resources you had before, is local management of a mind that they really don't take this into consideration? It must get very stressful out there then.

Mr. Sombrotto. Well, they handle it, but it's the way it is handled.

As I said, I just came back from Miami. That is one of the major problems because of the enormous growth there. And all I heard was we lost $72 million that was targeted for capital improvements because of the 1987 summit on the budget, and we couldn't build new facilities. And so, we are strapped. We can't do anything about it. So, you have routes that would be an eight hour route, which are taking 22 hours to deliver. That means that you have more than two and a half or three people working on what was an eight

hour assignment. Now, that is not conducive to a good work environment. It means that people are stepping all over each other. They get the job done. The hours are there to do it, and they have been given the personnel to do it. But it is not an orderly and efficient way to conduct a business.

They are trying to figure out ways to resolve that problem. That's what we went down there to talk to them about. They will resolve it because the union is going to play a part with even just the rank and file letter carriers being involved in the process to resolve that problem. And that is the way we think it ought to be.

Mr. McCLOSKEY. This is a major problem. Are you satisfied that the union really does have the attention of the Postal Service on this and that people are being assigned to work on this?

Mr. SOMBROTTO. Well, there is no question about that we've got their attention, and they want to do something about it. Of course, as I said, as was indicated before, you've got 75 divisions with different budgets and you've got within those divisions various installations and so on and so forth. And some you are more successful with than others, and it takes a long time for any process to permeate the total environment.

But you have to start it and you have to do something about it. And that is what we are trying to resolve it in a way that takes into account the interest of all the parties concerned, and that is from our perspective the carrier that you talked about that was harassed because he stopped to talk to a customer too long. To me, that is the most important element in my union. That is the most important person. And I've got to deal with his or her problem.

The second group is the Postal Service as an institution. We have to protect this institution. We think it provides a vital service.

And, of course, the third is the American public. All of their interests and rights have to be protected, and that is what we are about, and that is what we will continue to try to do.

Mr. McCLOSKEY. Thank you very much, Mr. Sombrotto, for the excellent testimony. I think it is very helpful. Some of your items today I will be talking about personally with postal management. I really appreciate your input.

If there is anything else you or Mr. Gould would like to add that you haven't had a chance to do or I haven't asked you——

Mr. SOMBROTTO. Well, just that I will make available for the record our statistical data in terms of grievances over the past year and make comparisons with previous years.

[The information referred to follows:]

Grievance appeals received at Step 3 – national totals

Month	Discipline	Contract	Total
1/87	647	1689	2336
2/87	570	2374	2944
3/87	727	1964	2691
4/87	736	2320	3056
5/87	566	1722	2288
6/87	612	1788	2400
7/87	637	1669	2306
8/87	555	1757	2312
9/87	525	1477	2002
10/87	525	1532	2057
11/87	463	1664	2127
12/87	493	1472	1965
1/88	500	1407	1907
2/88	613	1811	2424
3/88	607	1697	2304
4/88	607	1413	2020
5/88	595	1388	1983
6/88	555	1303	1858
7/88	461	1015	1476
8/88	458	1070	1528
9/88	400	832	1232
10/88	323	677	1000
11/88	249	537	786
12/88	215	563	778
1/89	199	538	737
2/89	170	445	615
3/89	241	561	802
4/89	223	493	716

Grievance appeals received at Step 3 — San Francisco Region

Month	Discipline	Contract	Total
1/87	123	248	371
2/87	101	239	340
3/87	96	230	326
4/87	95	255	350
5/87	75	224	299
6/87	85	264	349
7/87	103	344	447
8/87	69	245	314
9/87	77	233	310
10/87	66	153	219
11/87	68	203	271
12/87	61	196	257
1/88	75	210	285
2/88	67	315	382
3/88	60	311	371
4/88	70	189	259
5/88	96	175	271
6/88	57	188	245
7/88	67	156	223
8/88	55	176	231
9/88	71	211	282
10/88	28	135	163
11/88	39	101	140
12/88	32	117	149
1/89	35	184	219
2/89	34	74	108
3/89	37	141	178
4/89	26	138	164

Grievance appeals received at Step 3 – Pacific Northwest Region

Month	Discipline	Contract	Total
1/87	23	86	109
2/87	18	723	741
3/87	23	95	118
4/87	35	72	107
5/87	17	60	77
6/87	21	71	92
7/87	15	73	88
8/87	12	70	82
9/87	12	32	44
10/87	15	36	51
11/87	16	61	77
12/87	5	51	56
1/88	9	37	46
2/88	16	155	171
3/88	11	42	53
4/88	32	56	88
5/88	16	28	44
6/88	14	27	41
7/88	17	15	32
8/88	23	55	76
9/88	13	29	42
10/88	14	24	38
11/88	7	45	52
12/88	6	34	40
1/89	5	22	27
2/89	9	18	27
3/89	12	21	33
4/89	7	25	32

Grievance appeals received at Step 3 – Chicago Region

Month	Discipline	Contract	Total
1/87	36	51	87
2/87	15	57	72
3/87	47	52	99
4/87	50	81	131
5/87	39	76	76
6/87	33	53	86
7/87	31	46	77
8/87	31	60	91
9/87	31	31	62
10/87	23	48	71
11/87	34	54	88
12/87	24	58	82
1/88	37	63	100
2/88	37	107	144
3/88	26	73	99
4/88	31,	65	96
5/88	22	69	91
6/88	46	40	86
7/88	43	26	69
8/88	32	18	50
9/88	46	30	76
10/88	20	26	46
11/88	23	23	46
12/88	14	24	38
1/89	21	21	42
2/89	7	21	28
3/89	14	17	31
4/89	18	10	28

Grievance appeals received at Step 3 -- Denver Region

Month	Discipline	Contract	Total
1/87	45	97	142
2/87	36	112	148
3/87	41	95	136
4/87	28	76	104
5/87	35	84	119
6/87	20	66	86
7/87	27	96	123
8/87	37	88	125
9/87	13	55	68
10/87	24	68	92
11/87	24	70	94
12/87	13	82	95
1/88	11	69	80
2/88	12	79	91
3/88	21	80	101
4/88	21	73	94
5/88	25	86	111
6/88	13	45	58
7/88	12	36	48
8/88	20	27	47
9/88	23	39	62
10/88	9	25	34
11/88	7	29	36
12/88	4	21	25
1/89	9	27	36
2/89	3	16	19
3/89	6	27	33
4/89	8	23	31

Grievance appeals received at Step 3 – St. Louis Region

Month	Discipline	Contract	Total
1/87	39	46	85
2/87	23	68	91
3/87	36	85	121
4/87	22	33	55
5/87	6	22	28
6/87	5	31	36
7/87	2	15	17
8/87	2	21	23
9/87	7	27	34
10/87	4	13	17
11/87	7	30	37
12/87	3	45	48
1/88	6	56	62
2/88	11	30	41
3/88	6	10	16
4/88	2	8	10
5/88	2	6	8
6/88	2	10	12
7/88	2	17	19
8/88	4	6	10
9/88	0	4	4
10/88	3	4	7
11/88	3	0	3
12/88	0	2	2
1/89	5	2	7
2/89	1	4	5
3/89	2	3	5
4/89	1	5	6

Grievance appeals received at Step 3 – KIM Region

Month	Discipline	Contract	Total
1/87	32	86	118
2/87	35	105	140
3/87	51	118	169
4/87	54	153	207
5/87	41	125	166
6/87	44	119	163
7/87	63	121	184
8/87	24	178	202
9/87	43	97	140
10/87	31	60	91
11/87	31	73	104
12/87	39	92	131
1/88	27	54	81
2/88	36	122	158
3/88	61	171	232
4/88	51	118	169
5/88	36	131	167
6/88	36	138	174
7/88	32	74	106
8/88	40	152	192
9/88	24	75	99
10/88	46	70	116
11/88	16	66	82
12/88	14	80	94
1/89	22	61	83
2/89	30	65	95
3/89	31	63	94
4/89	24	53	77

Grievance appeals received at Step 3 – Minneapolis Region

Month	Discipline	Contract	Total
1/87	4	6	10
2/87	2	7	9
3/87	6	43	49
4/87	4	18	22
5/87	4	18	22
6/87	4	22	26
7/87	4	22	26
8/87	4	16	20
9/87	5	3	8
10/87	7	17	24
11/87	4	12	16
12/87	12	14	26
1/88	3	36	39
2/88	7	23	30
3/88	3	28	31
4/88	5	11	16
5/88	8	18	26
6/88	4	13	17
7/88	5	12	17
8/88	6	5	11
9/88	1	7	8
10/88	4	6	10
11/88	1	1	2
12/88	0	5	5
1/89	0	1	1
2/89	2	2	4
3/89	2	5	7
4/89	3	6	9

Grievance appeals received at Step 3 – Memphis Region

Month	Discipline	Contract	Total
1/87	34	55	89
2/87	25	77	102
3/87	29	51	80
4/87	48	53	101
5/87	28	42	70
6/87	31	44	75
7/87	39	52	91
8/87	29	56	85
9/87	21	43	64
10/87	20	43	63
11/87	22	39	61
12/87	33	51	84
1/88	51	70	121
2/88	34	59	93
3/88	31	58	89
4/88	32	59	91
5/88	25	52	77
6/88	22	29	51
7/88	19	32	51
8/88	28	27	55
9/88	10	22	-32
10/88	9	31	40
11/88	12	18	30
12/88	13	28	41
1/89	9	14	23
2/89	5	15	20
3/89	7	17	24
4/89	18	13	31

Grievance appeals received at Step 3 – Atlanta Region

Month	Discipline	Contract	Total
1/87	56	380	436
2/87	77	283	360
3/87	70	372	442
4/87	82	426	508
5/87	49	323	372
6/87	90	386	476
7/87	96	265	361
8/87	110	342	452
9/87	64	206	270
10/87	81	237	318
11/87	56	176	232
12/87	66	278	344
1/88	39	161	200
2/88	71	202	273
3/88	60	241	301
4/88	86	205	291
5/88	69	184	253
6/88	62	186	248
7/88	54	249	303
8/88	29	125	154
9/88	24	124	148
10/88	35	80	115
11/88	18	55	73
12/88	10	37	47
1/89	11	24	35
2/89	1	48	49
3/89	7	25	32
4/89	7	28	35

Grievance appeals received at Step 3 – Dallas Region

Month	Discipline	Contract	Total
1/87	52	251	303
2/87	80	269	349
3/87	44	257	301
4/87	86	586	672
5/87	68	347	415
6/87	47	296	343
7/87	54	245	299
8/87	56	315	371
9/87	84	295	379
10/87	70	383	453
11/87	41	298	339
12/87	38	239	277
1/88	48	230	278
2/88	75	259	334
3/88	64	210	274
4/88	56	260	316
5/88	57	250	307
6/88	25	125	150
7/88	29	108	137
8/88	12	114	126
9/88	14	53	67
10/88	16	87	103
11/88	13	31	44
12/88	10	25	35
1/89	6	17	23
2/89	4	42	46
3/89	14	50	64
4/89	8	19	27

Grievance appeals received at Step 3 – Cincinnati Region

Month	Discipline	Contract	Total
1/87	40	61	101
2/87	26	90	116
3/87	61	57	118
4/87	29	51	80
5/87	35	47	82
6/87	25	51	76
7/87	25	63	88
8/87	28	90	118
9/87	19	72	91
10/87	16	59	75
11/87	20	59	79
12/87	40	72	112
1/88	28	79	107
2/88	35	90	125
3/88	45	146	191
4/88	47	85	132
5/88	24	61	85
6/88	39	107	146
7/88	30	36	66
8/88	27	39	66
9/88	25	42	67
10/88	17	26	43
11/88	12	30	42
12/88	22	42	64
1/89	11	37	48
2/89	17	36	53
3/89	28	27	55
4/89	16	27	43

Grievance appeals received at Step 3 – Philadelphia Region

Month	Discipline	Contract	Total
1/87	20	74	94
2/87	24	60	84
3/87	32	89	121
4/87	30	122	152
5/87	21	72	93
6/87	21	65	86
7/87	14	52	66
8/87	13	54	67
9/87	20	70	90
10/87	29	117	146
11/87	19	58	77
12/87	32	45	77
1/88	39	65	104
2/88	32	67	99
3/88	20	52	72
4/88	30	52	82
5/88	32	65	97
6/88	53	74	127
7/88	18	37	55
8/88	34	58	92
9/88	25	48	73
10/88	26	50	76
11/88	27	37	64
12/88	25	48	70
1/89	19	31	50
2/89	10	24	34
3/89	29	46	75
4/89	21	41	62

Grievance appeals received at Step 3 – D.C. Region

Month	Discipline	Contract	Total
1/87	16	42	58
2/87	24	37	61
3/87	37	164	201
4/87	30	107	137
5/87	39	94	133
6/87	25	67	92
7/87	38	70	108
8/87	37	99	136
9/87	40	115	155
10/87	30	94	124
11/87	38	182	220
12/87	22	81	103
1/88	38	52	90
2/88	31	77	108
3/88	48	58	106
4/88	24	36	60
5/88	31	50	81
6/88	37	71	108
7/88	33	45	78
8/88	34	37	71
9/88	27	46	73
10/88	18	23	41
11/88	10	28	38
12/88	12	24	36
1/89	6	13	19
2/89	11	12	23
3/89	10	17	27
4/89	21	26	47

Grievance appeals received at Step 3 – Boston Region

Month	Discipline	Contract	Total
1/87	44	109	153
2/87	32	110	142
3/87	33	107	140
4/87	59	141	200
5/87	33	102	135
6/87	62	145	207
7/87	40	87	127
8/87	27	52	79
9/87	36	110	146
10/87	41	99	140
11/87	17	268	285
12/87	29	70	99
1/88	36	89	125
2/88	49	103	152
3/88	68	125	193
4/88	42	122	164
5/88	30	109	139
6/88	52	118	170
7/88	42	82	124
8/88	27	118	145
9/88	18	51	69
10/88	25	44	69
11/88	28	46	74
12/88	24	42	66
1/89	21	68	89
2/89	20	41	61
3/89	19	64	83
4/89	22	39	61

Grievance appeals received at Step 3 – New York Region

Month	Discipline	Contract	Total
1/87	83	97	180
2/87	52	136	188
3/87	120	149	269
4/87	84	146	230
5/87	75	86	161
6/87	99	108	207
7/87	86	118	204
8/87	76	71	147
9/87	53	88	141
10/87	68	105	173
11/87	66	81	147
12/87	76	98	174
1/88	53	136	189
2/88	100	123	223
3/88	85	91	176
4/88	77	76	153
5/88	123	104	227
6/88	96	133	229
7/88	58	91	149
8/88	71	60	131
9/88	82	57	139
10/88	52	46	98
11/88	33	28	61
12/88	30	32	62
1/89	19	14	33
2/89	16	28	44
3/89	24	38	62
4/89	26	40	66

Mr. SOMBROTTO. Again, I don't want to indicate and I don't want to leave the misimpression here that I am satisfied with what is going on. I'm not.

Mr. MCCLOSKEY. No, you haven't given me that impression.

Mr. SOMBROTTO. What I am trying to do is cooperate in finding ways to alleviate problems. We have been successful up to a point, but even—and I hate to use this cliche—but even one grievance is too many if you can prevent it. And that is what we are trying to do, find as many ways of preventing grievances as we possibly can.

But the core problem is always going to be at the work place, and that is where things have to change. And the attitudes of all of the people, the people that we represent, the postal supervisors, the postmasters, the division managers, all of those attitudes have to change to be compatible with trying to resolve and create a better atmosphere or work environment.

Mr. MCCLOSKEY. Thank you very much for your excellent testimony.

Our next panel is comprised of the American Postal Workers Union. From Washington is Mr. William Burrus, Executive Vice President, and from Indianapolis is Linda Collins, President of the Indianapolis Local of the APWU. Good morning. I'm really glad to have you here today. It's also good to see Mike Reid.

Mr. Burrus, I have all sorts of interesting questions to ask you based on your prepared testimony and some, I might add, contrast with your testimony.

Linda, it's also good to see you again. I do hope and assume things are going better in Indianapolis. We have been around the horn on that several times.

So, good morning again, and please proceed as you like.

STATEMENT OF WILLIAM BURRUS, EXECUTIVE VICE PRESIDENT, AMERICAN POSTAL WORKERS UNION, ACCOMPANIED BY MIKE REID, STAFF ASSISTANT, LEGISLATIVE DEPARTMENT

Mr. BURRUS. Good morning, Mr. Chairman and members of the committee. I am William Burrus, the Executive Vice President of the American Postal Workers Union, AFL-CIO. The American Postal Workers Union is the largest postal union in the country representing over 365,000 active and retired postal workers nationwide.

I am pleased to appear before the committee this morning accompanied by Linda Collins, the President of the Indianapolis Local of the American Postal Workers Union, and Mike Reid, our staff assistant in the Legislative Department.

The purpose of our testimony this morning is to comment on the discipline in the United States Postal Service and its impact on the American Postal Workers Union bargaining unit employees.

I have had the opportunity to review the GAO's report on discipline within the Postal Service and commend the staff for a thorough report and analysis. I have also read the testimony of the witnesses appearing on May 23. But I conclude that the GAO report and the earlier witnesses have misdirected their focus on the question of inconsistencies rather than the question of the extreme level of discipline administered within the Postal Service. In this

day of advanced technology and greater understanding between nations, races and religions, it is amazing that a governmental agency would rely on 18th century means for employee motivation. Perhaps the Postal Service needs a few lessons in perestroika.

The Postal Service employs in excess of 800,000 employees, 650,000 of which are subjected to discipline. The remaining 150,000 employees hold non-bargaining unit positions and are responsible for administering punitive disciplinary policies.

Because of the size of the Postal Service, numbers are skewed to the extent that every identified issue takes on the proportions of a major problem. While the absolute numbers of employees disciplined is astounding in comparison to the average company, one will find that most employers who continue to rely on the 18th century method of employee control will have a ratio of disciplined employees similar to that of the Postal Service. Those who view workers as chattel rely on discipline because it is easy to administer and satisfies the dictatorial ego in all of us.

Thus, the central question is not why the USPS discipline is not more consistent, but why does the Postal Service rely solely on discipline as a reverse motivator for acceptable work performance?

One must begin with the history of the Post Office Department beginning as a governmental agency within which employees had no rights and managers were selected through the political system of spoils. The seeds were sewn during those early years for an autocratic management style. This philosophy was unchecked by the van on unions and the lack of competition in the marketplace. The title of general was given to the chief operating officer, and a large segment of the work force was dressed in uniforms creating a quasi-military operation.

This was followed by an incessant flow of rules and regulations which began as controls over rates and services, but were slowly advanced to govern employees' every activity. With this background, it is not surprising that the seeds of discipline for control germinated and flourished within the huge bureaucracy of postal management and continues to date.

An obvious question is why the same management philosophies did not take hold in other governmental agencies. The truth is that major problems have existed in some agencies, but in general there has always been a marked difference between the policies of most governmental agencies and the U.S. Postal Service, the reason being is that none are similar to the Postal Service in job content and size of complement or under constant scrutiny by the public in terms of cost and services.

Who knows or has ever known the cost of preparing Social Security checks or income tax returns? Yet, the cost of postal service is known to every citizen, and during the times of Federal subsidies, they were widely publicized through the media as raids on the United States Treasury.

In more recent years, changes to the postal administrative structure have played a significant role in perpetuating this legacy of discipline. Managers steeped in the old tradition of reliance on disciplinary measures have been freed from the minimal restrictions of internal review as the autonomous 74 divisions decide methods to meet productivity and budgetary goals, the perception being that

discipline and the threat of discipline will lead to operational savings through a work force responsive to commands and directives.

In the name of consistency, managers have initiated written policies that require discipline for any accident, for three or more unscheduled absences within a quarter and for any unauthorized absence without leave. Such policies are consistent only in their approach to destroy the confidence and morale of postal workers, representing a threat to all employees even those who have never committed an infraction. The union opposes such blanket policies as a naked threat hanging over the head of workers.

This management philosophy is not restricted to the Postal Service, but time has tempered this cultural in the private sector as unions have struck over inhumane treatment and in non-union shops, workers quit. Paradoxically, the same disciplinary approach has never taken hold as a tool to improve management in the Postal Service, the theory being that managers are professional and do not respond to remedial discipline in the form of lost pay as a stimulus to changed behavior. On occasion a low level supervisor will be suspended as an example, but this is an exception. Craft workers are somehow different, and corrective discipline is a requirement to maintain control.

This dual system is wrong, and we should be asking the question whether or not there exists other options for employee motivation. Surely of the 650,000 bargaining unit employees, there are those who cannot adjust to the needs of the Postal Service. And since the USPS is a business competing in the communications industry, not a rehabilitation agency, how is management to deal with those who either choose not or cannot make the necessary adjustments?

There are a number of ways to communicate a message and obtain the desired response. This communication is a one-on-one discussion between the supervisor and the employee and enlists the full support of the company to the consideration of the employee's problem while explaining the employer's real needs.

The union can be called upon and is willing to play a major supportive role in pointing out unacceptable behavior on the part of the employee or the supervisor and presenting options to bring together the sometimes conflicting needs. But while we welcome the opportunity to join in this process, the American Postal Workers Union rejects the assertion that joint programs will change a management philosophy that discipline works. Management is responsible for the policies and the action of its managers in their implementation. Any assertion that pilot programs will change this institutional philosophy is misleading at best and a sinister charade at its worst.

Why must it take years to change individual manager's approach to discipline while employees are expected to shape up immediately or be fired? And how do you change it when those managers at the very top cling to the notion that discipline is necessary?

When supervisors find it necessary to discipline employees, something in the system has failed. The entrance examination is designed to select workers with acceptable work tendencies. The work environment should be constructed to efficiently move the product and provide a reasonable, acceptable setting for the worker. And the supervisor is responsible for communicating with the worker

expectations and joint commitments. Rampant discipline is a reflection not on the employee, but the system that hired the employee and subsequently covered up its failures through discipline.

When all other options have been exhausted, only then should the company resort to discipline. And when discipline is administered, it should be with the intent of firing the employee, lacking prompt, acceptable change. Discipline then becomes a last change tool instead of a form of punishment or control.

Simultaneously, there should be a continuous review of all factors contributory to the unacceptable behavior, such as the entrance examination, to determine if an important element of job behavior is not being identified through testing procedures; the work environment, to determine if it is contributory to the behavior; and finally the supervisor, to evaluate his or her ability to respond to and influence employee behavior.

A supervisor that initiates the removal of one employee per year is a liability to the company. And that supervisor's boss who does not initiate a review of the supervisor's record and training becomes as guilty as the employee in not fulfilling his or her responsibility.

This punitive system feeds on itself as employees are hired and fired to be replaced by employees who will also be fired. What a terrible waste of public money that goes unaccounted.

The union does play a role in this process of disciplining workers. Obviously, we oppose discipline and represent workers who are disciplined. We have negotiated contractual protections that all discipline must be for just cause and must be corrective and progressive. This represents standard contractual language. But these protections are cited as a shield by postal management who are too lazy or too busy to manage workers. The result is the reinforcement of discipline as the first and last act in correcting behavior.

Contract protections cannot be relied upon as justification for discipline. And those who seek uniform tables of discipline misunderstand the role of a labor union. Uniformity is synonymous with the guarantee of discipline and our union will not be a party to any system that cannot consider mitigation.

In conclusion, I repeat that the problem in the Postal Service is not the consistency of discipline, but the institutional commitment to a flawed philosophy that looks to discipline as a cover for managerial failures. Earlier testimony that pointed to pilot programs presently under way as a possible solution only defer facing reality to a future day. Postal management that concludes each discussion on this subject with the statement that discipline is inevitable reinforces this institutional position that discipline is the cornerstone of the policy for worker control.

Postal management is responsible for managerial policy on worker discipline and should be held accountable for the tremendous human and financial drain resulting from this policy. A company that imposes 69,000 disciplinary actions within one year does not need consistency, but a thorough review of management policy and direction. The Postal Service is not a penal colony.

Thank you, Mr. Chairman. I assume that Linda is going to have the opportunity to make her presentation. At the conclusion we will be prepared to respond to any questions.

Mr. McCLOSKEY. That is the case. Thank you, Mr. Burrus.
Ms. Collins?

STATEMENT OF LINDA L. COLLINS, PRESIDENT, INDIANAPOLIS LOCAL, AMERICAN POSTAL WORKERS UNION

Ms. COLLINS. Mr. Chairman, my name is Linda Collins, and I have been employed by the United States Postal Service since August 21, 1978. I am currently on a leave of absence as a result of my position as President of the Indianapolis Local of the American Postal Workers Union, AFL–CIO. The Indianapolis Postal Service employs approximately 4,100 people. Of those, 2,000 plus are represented by the American Postal Workers Union.

Mr. Chairman and members of the Subcommittee on Postal Personnel and Modernization, I would like to thank you for the opportunity to take part in these hearings.

I would also like to thank you on behalf of the employees in the Indianapolis facility for requesting the GAO study of discipline practices and policies in the United States Postal Service. I believe there was a sincere need for this study for many reasons, and I would like to steer my testimony towards the personal and work degradation this current system perpetuates. Attempting to relate situations and their results in respect to the Indianapolis facility, I would like to comment on the various aspects of the GAO report.

In relationship to the objectives, scope and methodology of the GAO report and its objective to determine whether employees receive uniform discipline for similar offenses, I offer the following.

In Indianapolis, Indiana, discipline is handled by seven members of the employee and labor relations staff. One of the seven individuals will receive a request for disciplinary action. This incident report is generated by a line supervisor. The labor relations staff person will read the report, determine the charges, request any additional documentation they deem relevant, determine the penalty to be imposed, write the discipline, and in the majority of cases, act as the step 2 hearing designee.

It would seem that in using the above structure there would be a great deal of consistency in disciplining employees for similar offenses. However, even when dealing with seven individuals who work in the same office and who determine the discipline, you find a range of discipline that runs the spectrum for similar offenses.

I can provide hundreds of documents supporting this allegation. However, I will refer to a few of the examples in my written statement of charges drawn up by the labor relations staff and the degree of discipline imposed.

An example involves three employees who work in the transfer office together. The transfer clerks are responsible for seeing that the mail which comes in is accounted for and directed to the proper processing area. They also monitor all mail leaving the facility to make sure it is dispatched to the proper destination.

The three employees involved had work in the transfer office for several years. They took their job very seriously. The discipline arose due to the way they clocked out for lunch. So as not to miss any mail arrival or dispatches and because they had been warned

they must show out to lunch and in from lunch clock rings, the employees over the years adopted the following practice.

At lunchtime, one employee—and this was rotated—would go clock all three out. Another might go buy soft drinks. One stayed behind to keep an eye on the office. The employees knew they were not supposed to work off the clock, but they did not feel it was doing any damage to the United States Postal Service.

One evening they had a temporary supervisor who observed this practice and told them to stop. The employees knew their regular supervisor was aware of the practice, so they decided to avoid the practice only if the temporary supervisor was on duty.

Approximately one month later while working in the area, the temporary supervisor observed the practice again. Requests to discipline all three employees were made to the employee labor relations department.

In the aforementioned incident, all employees participated and freely admitted they all rang out and in from lunch for one another. All three were warned. All three continued to participate in the practice. However, only two employees were disciplined. Both are black. The caucasian was not disciplined.

Mr. Starks received a letter of warning that was reduced to a discussion, and Mr. Morgan received a removal unilaterally reduced to a seven day suspension, that was reduced in EEOC which required the agency to post a notice and compensate him for all lost wages and benefits, as well as expunge all reference to this incident from his files.

As in previous cases used for comparison, if the United States Postal Service was concerned about the employee labor relations manual violation, then all three employees were equally guilty of clocking one another out and in. If the United States Postal Service was concerned that the employees failed to follow the instructions of the temporary supervisor, then the penalties imposed should have been equally assessed because all three failed to heed the instructions.

"Selection of a Penalty" of the GAO report indicates Handbook EL-921 offers guidelines in assessing discipline taking into consideration a variety of factors. The report continues by saying the generally accepted principle is the enforcement of rules, and assessment of discipline must be exercised in a consistent manner. For example, all employees who engage in the same type of misconduct must be treated essentially the same unless a reasonable basis exists for variations in the assessment of punishment.

However, the reality is that discipline is inconsistent partially due to the control or lack of control the individual line supervisor normally exerts. In those instances where the supervisor has no control, discipline is usually more severe in an attempt to rein in not only the employee in question, but the other employees in the unit, again attempting to manage employees through discipline instead of ability.

On a number of occasions the report reflects the inconsistency of discipline could be the result of the latitude allowed supervisors and their individual considerations of what constitute a minor infraction versus a major infraction. However, in Indianapolis, this

cannot be a factor because supervisors do not determine the infraction and do not assess the penalties.

Part of the reason penalties are so varied for similar infractions is due to the record keeping system maintained by employee and labor relations. Files are kept on each and every employee during the course of their career. You may commit an offense in the early stages of your career until you become aware of the rules. You serve your penalty to make up for your mistake, and 10 years later you may come to work in a bad mood and make a mistake. The penalty will generally be very severe. We believe if you commit an infraction and serve your time and contractual requirements are met, your slate should be erased. It should not be a career-long price you pay.

The chairman also questioned whether existing record keeping systems allow for the monitoring of disciplinary actions sufficient to identify and alert officials when a particular location or group of employees is receiving disparate treatment. I believe the check and balance system the contractual provision anticipated was for the first line supervisor to handle the daily workroom floor problems. If a need arose to discipline an employee, and the employee and/or their representative did not agree with the discipline, they had a forum other than the line supervisor to seek a fair hearing. However, when the line supervisor has a vested interest in disciplining, and the department which authors and determines the severity of discipline has a vested interest in disciplining, the check and balance system begins to tilt to one side.

What completely tips the scales is the fact that the manager of labor relations then hears the discipline case at the next level. Employees and their representatives are faced with hard decisions at this point. Do you fight risk everything you worked for in your life for justice, or do you swallow your pride and self-respect and accept a mark on your career, maybe some loss of pay, but you keep your job? When this happens, it causes some employees to go from dedicated, faithful postal workers to angry, bitter disillusioned paycheck earners.

Postal employees are found to be guilty until proven innocent, and society generally believes that you are innocent until proven guilty. But there is no check and balance system in the Indianapolis Post Office. I would like to refer specifically to one of the four removals cited in my written testimony to support this allegation.

Astor and Mildred Minix; charge, sick leave fraud; penalty, removal. No discipline ever in either individual's file, 15 years and 13 years of service, respectively.

Both had quality step increases, letters of commendation, had been participants in the acting supervisory program, and characterized by line supervisors as superior employees. They had never been late, had not used sick leave in three years and two years, respectively.

On a Tuesday morning they woke up feeling a little under the weather, but were on a bowling league, so not feeling too bad, they went ahead and bowled. They had a reporting time of 3:00 p.m. They arrived home from the bowling alley around 12:30 p.m. Feeling exerted from bowling, but believing they might just have a bug, they called in sick. The following day they experienced basically

the same scenario. However, they did go to a doctor that afternoon. They returned to work the following day.

The employees have bulletin boards in some break areas and notices such as the United States Postal Service bowling league scores are posted on them. A member for the employee and labor relations staff, who was a former union president, was advised by another former officer who worked in the same unit as one of the Minixes of the absence and, according to the posted notice, had bowled while on sick leave. While it was probably not good judgment on the part of the Minixes, it certainly was not a removable offense. These individuals had not missed work in two years and three years——

Mr. MCCLOSKEY. Ms. Collins, could I ask you to clarify that for me? Did they actually bowl on sick leave or on the same day in which they later called in sick?

Ms. COLLINS. On the same day that they later called in sick.

Mr. MCCLOSKEY. I would say that's a difference.

Ms. COLLINS. Well, I believe it was also, but the Postal Service didn't.

Mr. MCCLOSKEY. Thank you.

Ms. COLLINS. Two other employees also bowled that day and called in sick and no discipline took place with either of those employees.

The removals devastated the Minixes. Astor was four years away from retirement. I would also like to note here, Mr. Chairman, that Astor Minix had a heart attack six months after this happened. He has always been commended for his leave record and work performance and was now charged with sick leave fraud. Mildred Minix entered a period of depression, and after four years ultimately resigned after 17 years of service.

I watched two people who had always been excellent, outgoing, energetic workers turn into two people who hated anything and everything connected to the postal family they believe had crucified them. I watched two people break down and cry and beg their union representatives to take their case to arbitration so they could have their day in court. As their representative, I could not risk Astor Minix' retirement, their future, their home, everything they had ever worked for. I could not put their lives in the hands of a third party and pray that the system worked. I ultimately settled the case for a seven day suspension, dates of their choosing, with all reference expunged from all files in one year instead of clearing their names.

I have documents for every case I have used thus far in my testimony except for the Minixes. When the penalty was paid, we destroyed all of our documents, almost in an effort to put it behind us forever.

The purpose of my telling you about this case is because it shows how labor relations has no check and balance other than arbitration. The reason I am familiar with this case after four years is because Astor and Mildred Minix are my parents.

This situation happened when I decided to run for Indianapolis Local president. I subsequently received a National Labor Relations Board ruling citing the United States Postal Service for inter-

ference in the union election. It really served no purpose though, as the damage to those two individuals was already done.

In summation, to those of us in the postal system, it is patently clear discipline practices vary. There are some perfectly logical reasons as to how this could occur and not be of a malicious nature. However, in Indianapolis, it is partially because the department that is to serve as the check and balance has no one to monitor it for abuses. Then abuses only become more flagrant as there is no one to identify and alert when a particular location or group of employees receive disparate treatment. The current system of discipline seems to be used in lieu of managing the employees and to keep individuals suppressed while at work.

Thank you for this opportunity.

[The prepared statement of Ms. Collins follows:]

Testimony of
Linda Collins, President
Indianapolis Local APWU

My name is Linda L. Collins, and I have been employed by the United States Postal Service since August 21, 1978. I am currently on a leave of absence as a result of my position as President of the Indianapolis Local of the American Postal Workers Union, AFL-CIO. The Indianapolis Postal Service employs approximately 4100 people. Of those, 2000+ are represented by the American Postal Workers Union.

Mr. Chairman and members of the Subcommittee on Postal Personnel and Modernization, I would like to thank you for the opportunity to take part in these hearings. I would also like to thank you on behalf of the employees in the Indianapolis facility for requesting the GAO study of discipline practices and policies in the United States Postal Service. I believe there was a sincere need for this study for many reasons, and I would like to steer my testimony towards the personal and work degradation this current system perpetuates. Attempting to relate situations and their results in respect to the Indianapolis facility, I would like to comment on the various aspects of the GAO report.

In relationship to the Objectives, Scope and Methodology (page 8) of the GAO report and its' objective to determine whether employees receive uniform discipline for similar offenses, I offer the following:

In Indianapolis, Indiana, discipline is handled by seven members of the Employee and Labor Relations staff. One of the seven individuals will receive a request for disciplinary action. This incident report is generated by a line supervisor. The Labor Relations staff person will read the report, determine the charges, request any additional documentation they deem relevant, determine the penalty to be imposed (i.e., Letter of Warning, Suspension, Removal), write the discipline and in the majority of cases, act as the Step 2 hearing designee.

It would seem that in using the above structure, there would be a great deal of consistency in disciplining employees for similar offenses. However, even when dealing with seven individuals who work in the same office, and who determine the discipline, you find a range of discipline that runs the spectrum for similar offenses.

I can provide hundreds of documents supporting this allegation; however, I will provide a few examples of charges drawn up by the Labor Relations staff, and the degree of discipline imposed.

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1. Robert E. Stucky: CHARGE: You are charged with a violation of subsection 221.658 of the Postal Operations Manual and a violation of section 276.2 of the Administrative Support Manual when a loaded firearm belonging to you was found in your locker on postal premises. PENALTY: Removal
(NOTE: No discipline in file; 10 years of service.)

2. David Barnett: CHARGE: You are charged with violating Postal Service rules and regulations concerning possession of firearms on postal property. PENALTY: Letter of Warning
(NOTE: No discipline in file; 10 years of service.)

The Postal Service distinguishes between the cases by claiming Mr. Stucky had a loaded firearm inside the building, while Mr. Barnett had a loaded firearm in his car on the Postal Service parking lot. If in fact, management's concern was the safety of the employees, it would seem the risk factor in both cases are very similar. Postal employees are in both areas; the only difference being it would seem easier to commit an offense in an area right by your car. If, in fact, the Postal Services' concern is the violation of the Administrative Support Manual (276.2) and the Postal Operations Manual (221.658), then the penalties should have been identical.

The next example involves three employees who work in the transfer office together. The transfer clerks are responsible for seeing that the mail which comes in is accounted for and directed to the proper processing area. They also monitor all mail leaving the facility to make sure it is dispatched to the proper destination. The three employees involved had worked in the transfer office for several years. They took the job very seriously.

The discipline arose due to the way they clocked out for lunch. So as not to miss any mail arrival or dispatches, and because they had been warned they must show out to lunch and in from lunch clock rings, the employees, over the years, adopted the following practice: At lunch time, one employee (this was rotated) would go clock all three out; another might go buy soft drinks; one stayed behind to keep an eye on the office. The employees knew they were not suppose to work off the clock, but they did not feel it was doing any damage to the United States Postal Service.

One evening they had a temporary supervisor who observed this practice and told them to stop. The employees knew their regular supervisor was aware of the practice, so they decided to avoid the practice only if the temporary supervisor was on duty.

Approximately one month later, while working in the area, the temporary supervisor observed the practice again. Requests to discipline all three employees were made to the Employee and Labor Relations Department. The following occurred:

1. Norm Starks: CHARGE: You are charged with failure to follow instructions. PENALTY: Letter of Warning
(NOTE: No discipline in file; 4 years of service.)

2. Michael Fogleman: No discipline issued. 10 years of service.
(NOTE: Request for discipline was made at the same time as for his co-workers.)

3. John W. Morgan: CHARGE: You are charged with falsification in recording time. PENALTY: *Removal
(NOTE: 18 years of service.)
CITED DISCIPLINE: Letter of Warning for failure to follow instructions/unauthorized overtime/improper clock rings (with a 60-day retention period). Letter of Warning for unsatisfactory attendance (with a 5-month retention period).

* One month later, the charge was unilaterally changed to Failure to Follow Instructions, and the penalty unilaterally reduced to a seven-day suspension.

In the aforementioned incident, all employees participated and freely admitted they all rang out and in from lunch for one another. All three were warned; all three continued to participate in the practice. However, only two employees were disciplined. Both are Black. The Caucasian was not disciplined.

Mr. Starks' Letter of Warning was reduced to a discussion, and Mr. Morgan was successful in EEOC (4-G-0098-88), which required the agency to post a notice and compensate him for all lost wages and benefits, as well as expunge all reference to this incident from his files.

As in previous cases used for comparison, if the United States Postal Service was concerned about the Employee and Labor Relation Manual violation (666.84), then all three employees were equally guilty of clocking one another out and in. If the United States Postal Service was concerned that the employees failed to follow the instructions of the temporary supervisor, then the penalties imposed should have been equally assessed, because all three failed to heed the instructions.

Selection of a Penalty (page 13) of the GAO report indicates Handbook EL-921 (Supervisors' Guide to Handling Grievances) offers

guidelines in assessing discipline, taking into consideration a variety of factors. The report (page 14) continues by saying, ". . . the generally accepted principal is the enforcement of rules, and assessment of discipline must be exercised in a consistent manner (i.e., all employees who engage in the same type of misconduct must be treated essentially the same, unless a reasonable basis exists for variations in the assessment of punishment).

On this theory, and taking into account the EL-921 guidelines, we offer the realities of the discipline system and its' inconsistencies in Indianapolis, Indiana.

CATEGORY A

1. B. D. Anderson: CHARGE: You are charged with conduct unbecoming a postal employee/failure to follow instructions/disrupting the workroom floor. PENALTY: 7-Day Suspension
(NOTE: No discipline in file; full-time regular; 10 years of service.)

2. Bridget Dullen: CHARGE: You are charged with failure to follow instructions/violation of United States Postal Service Standards of Conduct/unacceptable conduct/disrupting operations on

the workroom floor. PENALTY: 7-Day Suspension
(NOTE: No discipline in file; full-time regular; 9 months of service.)

3. Gwendolyn Twyman: CHARGE: You are charged with failure to follow a direct order/failure to follow instructions/conduct unbecoming a postal employee. PENALTY: Removal
(NOTE: No discipline in file; full-time regular; 10 years of service.)

4. S. K. Wanless: CHARGE: You are charged with failure to follow instructions/conduct unbecoming a postal employee/unsatisfactory work performance/failure to follow a direct order. PENALTY: 7-Day Suspension
(NOTE: No discipline in file; part-time flexible; 1 year of service.)

5. S. D. Bales: CHARGE: You are charged with failure to follow instructions/absent from work area without permission/discourtesy and disrespect to a supervisor. PENALTY: Letter of Warning
(NOTE: No discipline in file; full-time regular; 8 years of service.)

6. J. N. York: CHARGE: You are charged with failure to follow instructions/discourtesy and disrespect to a supervisor/conduct unbecoming a postal employee. PENALTY: Letter of Warning
(NOTE: No discipline in file; full-time regular; 21 years of service.)

CATEGORY B

1. Terry Corley: CHARGE: You are charged with failure to follow instructions/leaving your work area without authorization/failure to follow instructions/unsafe act. PENALTY: Letter of Warning
(NOTE: No discipline in file; full-time regular; 1½ years of service.)

2. Steven Hackworth: CHARGE: You are charged with unsafe act/failure to follow instructions/unacceptable conduct. PENALTY: 7-Day Suspension
(NOTE: No discipline in file; full-time regular; 11 years of service.)

3. Harold Rogers: CHARGE: You are charged with failure to follow instructions/failure to follow proper safety procedures. PENALTY: 14-Day Suspension

CITED DISCIPLINE: 7-day suspension issued 2 weeks earlier. CHARGE: Failure to follow instructions/failure to perform the duties of your assignment-poor work performance/failure to follow proper safety procedure-endangering the safety of others.*
(NOTE: Full-time regular; 10 years of service.)

4. J. W. Pollert: CHARGE: You are charged with failure to perform the duties of your position in a safe manner/unsafe act/conduct unbecoming a postal employee/discourtesy towards a supervisor/failure to follow instructions. PENALTY: Letter of Warning
(NOTE: No discipline in file; full-time regular; 1 year of service.)

On a number of occasions, the report reflects the inconsistency of discipline could be the result of the latitude allowed supervisors, and their individual considerations of what constitutes a minor infraction versus a major infraction. However, in Indianapolis, this cannot be a factor because supervisors do not determine the infraction and do not access the penalties.

* Both disciplines were ultimately rescinded with full backpay for any lost time. Mr. Rogers had been recently commended for his work performance.

Part of the reason penalties are so varied for similar infractions is due to the record keeping system maintained by Employee and Labor Relations. Files are kept on each and every employee during the course of their career. You may commit an offense in the early stages of your career, until you become aware of the rules. You serve your penalty to make up for your mistake, and ten years may pass and you come to work in a bad mood and make a mistake; the penalty will generally be severe. We believe if you commit an infraction and serve your time, and contractual requirements are met, your slate is erased. It should not be a career long price you pay.

The Chairman also questioned whether existing record keeping systems allow for the monitoring of disciplinary actions sufficient to identify and alert officials when a particular location or group of employees is receiving disparate treatment. I believe the check and balance system the contractual provision anticipated was for the first line supervisor to handle the daily workroom floor problems. If a need arose to discipline an employee, and the employee and/or their representative did not agree with the discipline, they had a forum, other than the line supervisor, to seek a fair hearing. However, when the line supervisor has a vested interest in disciplining, and the department which authors

and determines the severity of discipline has a vested interest in disciplining, the check and balance system begins to tilt to one side.

What completely tips the scales is the fact the manager of Labor Relations then hears the case at the next level. Employees and their representatives are faced with hard decisions at this point. Do you fight and risk everything you've worked for in your life, for justice, or do you swallow your pride and self-respect and accept a mark on your career, maybe some loss of pay, but you keep your job? When this happens, it causes some employees to go from dedicated, faithful postal workers to angry, bitter, disillusioned paycheck earners. A system without checks and balances perpetuates abuse.

I would like to tell you about four removals to support my position.

1. Embry Ballinger: CHARGE: You are charged with failure to account for postal funds with the intent to defraud the United States Postal Service. PENALTY: Removal
(NOTE: No discipline in file; 19 years of service.

The employee was placed off work prior to the issuance of the removal notice. The case was heard at every step of the grievance procedure and processed to arbitration. At every step of the procedure, the same arguments on behalf of the employee were made. Ms. Ballinger was out of work with no pay from August 25th until mid-December. A brief summary of the award follows:

The arbitrator stated that when the case began, the Service, with a double burden, went forward with fourteen witnesses. At the conclusion of Employer's presentation, the Union made a motion for a finding. Such a motion is one which says, in loose substance, the party which has gone forward has not introduced sufficient evidence to allow the decider even with the most favorable view of the evidence to conclude that the evidence was sufficient.

The arbitrator granted the Union's request for a motion for finding at the conclusion of the employer's case. He stated in part, ". . . the first, and certainly one of the two most important employer witnesses, was obstensively the most involved Postal Inspector, Patricia Hayes. She turned out to be a testimony-revising, defensive performer who didn't furnish any information early or late which could prove any offense commission with any certainty. . .Furthermore, Hayes had her own failures. Knowing of the unusual office procedures, she failed to interview the other clerk personnel. Also, Hayes appeared prejudiced. Seemingly intent upon

making a case, she appeared to have rejected what she said were the grievant's full, frank responses, and announced "in order to show embezzlement, I saw no need to interview anyone else", and ended up with a conclusion that Ballinger's making of the money order to herself was bad.

The grievant received all back pay and benefits, but not her pride or self-respect. She was told by her employer of 18 years that she was an embezzler. She went four months without pay (several months longer before backpay was finally received) during the holiday season, and with creditors on her back. Ms. Ballinger did not have the choice of accepting a lesser penalty and swallowing her pride, she was forced to arbitration by the very system that was suppose to maintain a check and balance. Even though Ms. Ballinger was exonerated in arbitration, there is still a stigma attached to her which will probably follow her throughout the remainder of her life.

2. Norman Fiddler: CHARGE: Scheme Failure. PENALTY: Removal (NOTE: No discipline in file: 3 years of service.)

The employee was hired as an MPLSM (multiple position letter sorting machine) operator and performed his job as a superior

employee, according to his supervisor. He was then placed in training for the course of the next year. He was fired for failing on a secondary scheme on the MPLSM. He obtained a 97.6% accuracy grade, with 98% accuracy required. The employee was placed out of work in July 1987, and the issue finally resolved by an arbitrator in January 1989. Mr. Fiddler is approximately 50 years old and had come to work for the United States Postal Service after a lengthy career in another field to obtain job security. He believed if you worked for the United States Postal Service and did a good job, you would be secure.

There are a number of issues in this case which show the arbitrariness of the removal, not the least of which is the fact the United States Postal Service had determined they no longer needed the scheme skill prior to implementing the removal.

The arbitrator sustained the grievance and awarded full backpay and benefits the employee was required to pay. Mr. Fiddler was off work for 18 months without pay from the United States Postal Service. During this time, he worked odd jobs, delivered newspapers and sold appliances to continue to feed his family. He spent his life savings paying his regular bills. After being out of work one year, the United States Postal Service cancelled his

health insurance, and he was required to assume the additional expense. One week after his health insurance premiums were cancelled, his 18 year old son had a Gran Mal seizure. He and his wife would call regularly asking how this could be happening to them. It is very difficult to advise an employee to have faith and patience in a system that has routinely shafted him and his family.

Mr. Fiddler is now back to work and has recently received his backpay award; however, he no longer has the enthusiasm for the job. He is another casualty among hundreds of others who have given their heart to their job, only to have it broken.

3. Astor and Mildred Minix: CHARGE: Sick leave fraud. PENALTY: Removal

(NOTE: No discipline on either in file; 15 and 13 years of service, respectively.)

Both had quality step increases, letters of commendation; had been participants in the acting supervisory program, and characterized by line supervisors as superior employees; had never been late, and had not used sick leave in 3 years and 2 years, respectively. On a Tuesday morning, they woke up feeling a little under the weather, but were on a bowling legue, so not feeling too bad, they went ahead and bowled. They had a reporting time of 3:00 p.m. They

arrived home from the bowling alley around 12:30 p.m. Feeling exerted from bowling, but believing they might just have a "bug", they called in sick. The following day, they experienced basically the same scenario. They returned to work the next day.

The employees have bulletin boards in some break areas and notices, such as the United States Postal Service Bowling League scores, are posted on them. A member of the Employee and Labor Relations staff, a former union president, was advised by another former officer who worked in the same unit as one of the Minixs, of the absence and, according to the posted notice, had bowled while on sick leave. While it was probably not good judgement on the part of the Minixs', it certainly was not a removable offense. In fact, two other employees (L. Middleton and T. Snyder) were also off on sick leave and bowled, and no discipline was issued.

The removals devastated the Minixs. Astor was 4 years away from retirement. He has always been commended for his leave record and work performance, and was now charged with sick leave fraud. Mildred Minix entered a depression and after 4 years, ultimately resigned after 17 years of service. I watched two people who had always been excellent workers; outgoing, energetic workers, turn into two people who hated anything and everything connected to the

postal family they believed had crucified them. I watched two people break down and cry and beg their union representatives to take their case to arbitration so they could have their day in court. As their representative, I could not risk Astor Minix's retirement, their future, their home, everything they had ever worked for. I could not put their lives in the hands of a third party and pray that the system worked. I ultimately settled the case for a 7-day suspension, dates of their choosing, with all reference expunged from all files in one year, instead of clearing their names.

I have documents for every case I have used thus far in my testimony, except for the Minixs'. When the penalty was paid, we destroyed all of our documents, almost in an effort to put it behind them forever. However, the United States Postal Service still has copies of this, as well as a Postal Inspector's Investigative Memo.

The purpose of my telling you about this case is because it shows how Labor Relations has no check and balance, other than arbitration. The reason I am familiar with this case after four years is because Astor and Mildred Minix are my parents. This

situation happened when I decided to run for Indianapolis Local President. I subsequently received a National Labor Relations Board ruling citing the United States Postal Service for interference in the union election. It really served no purpose, as the damage to these two individuals was already done.

In summation, to those of us in the postal system, it is patently clear discipline practices vary. There are some perfectly logical reasons as to how this could occur and not be of a malicious nature. However, in Indianapolis it is partially because the department that is to serve as the check and balance has no one to monitor it for abuses. Then, abuses only become more flagrant, as there is no one to identify and alert when a particular location or group of employees receive disparatetreatment. The current system of discipline seems to be used in lieu of managing the employees and to keep individuals suppressed while at work.

Thank you for this opportunity.

Mr. MCCLOSKEY. Thank you very much, Ms. Collins.

I didn't realize your parents were involved here. That is a very unusual case. Quite frankly, if the facts are true as you state them, I feel somewhat irate and unbelieving, however long ago this happened, that the Postal Service could do that. Did they dispute the facts? Surely you can be bowling up until noon and be sick at 1:00 o'clock. And as you say, they went to the doctor the next day. Who or what generated this persecution then in your mind, assuming the facts are true as you state them?

Ms. COLLINS. Well, the Postal Service does not dispute the facts. I want to make it clear about one thing, that they bowled on—their off days were Sunday and Monday. They bowled on a Tuesday morning, and called in sick that Tuesday afternoon. Where the Postal Service felt their fatal error was, that they then bowled Wednesday morning because they felt better, and then they again were off on sick leave that day. They did go to the doctor that afternoon and reported for work the next day.

What happened was the former union president, who I had participated in trying to get him defeated as an officer, then took a job in labor relations. And when I announced my candidacy for president——

Mr. MCCLOSKEY. Will you say that again? I'm sorry.

Ms. COLLINS. When I announced that I was going to run for local president and he was on the labor relations staff, it just seemed a perfect opportunity to do this, and they took advantage of it.

Mr. MCCLOSKEY. They had not been late or absent once in several years before this?

Ms. COLLINS. They had never been late; in 13 and 15 years of work, they had never been late.

Mr. MCCLOSKEY. And they hadn't taken sick leave in two and three years?

Ms. COLLINS. In three and two years, respectively.

Mr. MCCLOSKEY. Overall it is an amazing scenario.

Mr. Burrus, I am interested in your statements on discipline as you quite eloquently point to various problems in the process. But it is obvious to me that you don't believe there should be no discipline. You just feel discipline, as you would call it, is a last resort. Ultimately, you would agree, there would have to be sanctions but before that there should be more positive counseling and so forth. Is that not correct?

Mr. BURRUS. That is correct, Mr. Chairman. I believe that of the large numbers of employees that work for U.S. Postal Service, inevitably you are going to have a number of them that cannot conform to the Postal Service rules and regulations. So, there ultimately will be discipline.

But my point is such discipline should not be in terms of forcing behavior. It should be, if it is ultimately imposed, for the purpose of beginning a commitment to say you are not adaptable. We are going to remove you from the Postal Service. But prior to that occurring, there should be a long period of time where all of the facilities of the Postal Service are brought to bear to see if there is an opportunity of improving or changing the conduct of the employee if, in fact, it is contrary to what it is acceptable.

What is occurring presently and has occurred over the years in the Postal Service is that discipline is used as a means of motivating employees. It is a threat hanging over the heads of the employees. And it is automatic, that if an employee commits an infraction, rather than there being a discussion—I am not talking about the formal contractual discussion process. There is a requirement upon a manager to interface with an employee to find out if there is any problem with the employee or perhaps a problem with the institution, but to bring the two parties together and through a long period of time, seeing if there is an opportunity of making some adjustments.

Mr. MCCLOSKEY. You do not think they do that at all?

Mr. BURRUS. No, no. The Postal Service hides behind the contractual language. And if you will review the GAO report, there is an automatic discussion, formal discussion as per our contractual terms, then an automatic letter of warning, sometimes two or three letters of warning depending upon the office.

But the discussion process means communications, not necessarily a contractual procedure, communication between the supervisor and the employee, because after all is said and done, the most important asset of the Postal Service is its employees. And if it were a raw product, steel, just because there was a nick in the piece of steel, the company would not throw that piece of steel away. And that is what the Postal Service's policy does. If there is a nick in the employee, rather than to find out if it can be repaired or if there is a reason for the nick, they throw it away.

Mr. MCCLOSKEY. Would you say things have been getting moderately better over the last year or two?

Mr. BURRUS. Things have been moderately better, and the reason I attribute to that is the Postmaster General adopted a policy that merit increases for supervisors and other managers would be based upon the number of grievances filed within their jurisdiction. And I think that brings to bear a very important message.

Mr. MCCLOSKEY. In a positive way, I might note, to diminish the grievances rather than adding income for the number of tickets issued.

Mr. BURRUS. And that is the basis of my theory, Mr. Chairman.

Mr. MCCLOSKEY. At least that is a good word for Postmaster General Frank, directly or indirectly, that he is doing something to improve things. Don't you think?

Mr. BURRUS. Absolutely. He has done a number of excellent things since his tenure as Postmaster General. I find no real fault with Postmaster General Frank. We have our differences, but those are to be expected.

But the basic problem is postal management has not departed from the basic philosophy that discipline is used to control workers, and that is not what the tool of discipline should be in the 20th century, close to the 21st century.

Mr. MCCLOSKEY. Your statement indicates and I quote, "But while we welcome the opportunity to join this process, the APWU rejects the assertion that joint programs will change a management philosophy that discipline works." So, right now you really don't care for formal cooperative or pilot programs such as the

letter carriers are pointing to with such success. Will you elaborate on that a little more?

Mr. BURRUS. Yes, I would be pleased to, Mr. Chairman.

We are in favor of cooperative programs. I happen to be the principal author of several of the pilot programs that are presently in effect. The disciplinary pilot program was an idea that I generated and brought to the committee—made up of NALC and APWU and the Postal Service—brought to the committee and we flushed that idea out and developed the disciplinary pilot program that to date there is only one APW local out of 2,500 locals that are participating because it is a voluntary program. And postal management, in the offices where the union has made a request to implement the program, has rejected it. So, there is only one such pilot program out there.

But getting back to the central point, we are in favor of cooperation. In a number of areas we are cooperating. We do not subscribe to the type of cooperation that is embraced in the employee involvement quality of work life, but that is just our decision. But that does not mean we do not choose to cooperate with the Postal Service.

We seek cooperation. We would certainly like to cooperate to find a way to change the philosophy of worker control.

Mr. MCCLOSKEY. What sort of programs are you against? I'm sorry, Mr. Burrus.

Mr. BURRUS. Employee involvement.

Mr. MCCLOSKEY. You are against employee involvement?

Mr. BURRUS. Employee participation programs. We are subscribers to the theory that the National Labor Relations Act, the law that governs the labor-management climate in this country, says that unless the union waives its rights, it's an unfair labor practice for the employer to negotiate or to bargain directly with employees. We choose not to waive our rights, and we say the union bargains in behalf of those employees. That does not mean we do not want to include the workers in the process, but we say the Postal Service has an obligation to bargain directly with the union.

Mr. MCCLOSKEY. You view worker participation quality circle type programs as, in effect, jumping the union to bargain with the employees? I do not know that that has to be the case, but in the reality of the workplace, that is the way you see it. Right?

Mr. BURRUS. That is the reality, Mr. Chairman, because the employer has a keen interest in improving productivity and efficiency and so does the union. The employer seeks to gain that improved productivity and efficiency through interfacing directly with the employees.

It is the American Postal Workers Union position that while we agree we would like to improve the efficiency and productivity, but there is a price to be paid. That is a part of the bargain. If we lower the size of a work crew, then we want something in return. We don't want the Postal Service to be able to end run the union and get that for the mere payback of painting a room. If you reduce one person for every crew, there should be a concurrent benefit that remaining workers receive for that. So, we want those type of discussions to be channeled through the union.

Mr. McCLOSKEY. We have talked about this previously today, both formally and informally, but I do not think that management improvement and the quality of management is improving fast enough for the minority of people who are not suited to be in those positions. Let's put it that way.

I know there are some positive trends going for all our concerns, but the managers do not seem to be seriously and formally evaluated on the quality of their employee communications. We have talked about improvements made by Mr. Frank, but I have seen in one case after another where Attila the Hun and Godzilla the Jungle God get promoted after a dire record of not being able to get along with anybody. I do think there is a double standard. You point to, in effect, no substantive evaluation as to these management quality aspects. Is that not correct?

Mr. BURRUS. I agree with that 100 percent. Managers are not judged on their ability to interact with employees. And as a matter of fact, the Postal Service brags on the fact that there is a manager that has recently in the last year been transferred to one of our major facilities in the east. And he always gets results. Even though he creates turmoil in the work place, he gets results. So, the bottom line philosophy is all they want is results. No matter how it is achieved, no matter what impact it has upon the morale, the effectiveness of the work force, if that person gets results, then that person is in the good favors of management and will receive the future promotions and recognition.

And we disagree with that philosophy. We think that postal management has an obligation to evaluate a manager on his ability to interact with employees. And one of the prime responsibilities of a manager is to mold the work force into an acceptable work force through a variety of means. And a manager that is unsuccessful in doing that is obviously not a good manager.

You can't blame the employee. The Postal Service selected that employee. People don't raise their hand or knock on the Post Office door and force their way in. The Postal Service pulls them off of a register. Having the right to select one out of three, they make the selection. They invest training, resources in that individual, and then seek a way to fire that individual. I think it is counterproductive.

Mr. McCLOSKEY. We talked about this before, and we may have a different emphasis and views on it. But in related matters as far as postal personnel and discipline, we have had the concern and the emphasis on drugs in the workplace. Mr. Frank told us two or three months ago that, because of lack of enforcement cooperation, so to speak, people selling drugs on duty at various units in the Postal Service were not even reprimanded until the third time. So, in effect, you had two free sales or two free documented buys, which I quite frankly, find appalling. However, I understand the Postal Service is getting more possible prosecutorial cooperation and that may change.

Would you agree that there are some workplace violations which are so severe that they are or should be posted on the wall in such a major way; for example, with on-site drug dealing, the first time you're out? There are some things you just don't do. I do not want to go beyond drug dealing. Obviously, we could talk about severe

assaults one way or the other. Assaults occasionally occur, an unprovoked assault or whatever. But don't you think you just can't say every and any offense requires just counseling. Don't you think some things could or should be terminal?

Mr. BURRUS. Yes, Mr. Chairman, and they are. There are notices posted on the walls of the postal services throughout the country saying that there are infractions that will bring termination immediately. And the union agrees with that. We do not ascribe to anarchy in the post office. We do not want someone to bring a loaded weapon into the postal service or striking other employees or their managers or stealing from the mail because we hold the public's trust. There are a number of those areas that warrant immediate removal.

Certainly the union reserves the right to review the record and see if there is any mitigation, and on occasion we will submit that issue to an impartial third party. But we still ascribe to the theory that there are issues that warrant immediate removal.

Mr. MCCLOSKEY. I did enjoy your concluding analogy to a penal colony.

Mr. BURRUS. Well, 69,000 grievances.

Mr. MCCLOSKEY. You said your point of view with a certain flair there.

Linda, isn't this Indianapolis disciplinary system different than in most places in the Postal Service? Evidently this seven-person committee makes the final decision; the supervisors do not. I know you commented on it at some length, but what are the strengths and weaknesses of that again? Does that ensure fairness and uniformity or is there degradation in the quality given the fact that the committee doesn't know the people involved as well?

Ms. COLLINS. Well, first of all, I can only assume from the GAO report that Indianapolis works under a different program on discipline. But what it is it's the employee labor relations staff who should normally handle grievances that are appealed to step 2.

A situation that just recently happened where a supervisor got into an argument with an employee, and the supervisor wrote up and said they thought the employee was insubordinate. That is all they get is just a piece of paper saying the employee did this. So, labor relations, who is supposed to be the contractual experts, review this document and they issue a removal based on about five different charges, but they never even spoke to the employee. They didn't speak to the supervisor. All they had was a piece of paper.

Mr. MCCLOSKEY. That is almost unbelievable. They just act on a piece of paper without interviewing the employee or the supervisor?

Ms. COLLINS. Yes.

Mr. MCCLOSKEY. I would say that should change immediately, and we ought to put that in capital letters.

Ms. COLLINS. Well, Mr. McCloskey, I will tell you we have taken the issue up in arbitration as recently as last Friday.

Mr. MCCLOSKEY. That is reckless and indifferent on its face.

What was their excuse for that?

Ms. COLLINS. Well, they believe that it is perfectly all right. And what they say is that the reason that labor relations determines everything, even though we believe it violates the employee's due

process, is so that they are consistent. But the manager of labor relations has made the statement in a number of meetings that the consistency allows them to fire people, and that they can consistently fire people.

I think if you look through the actual written testimony that I supplied, you can see that it appears that the longer that you are employed there, the more severe the penalty is regardless of your past record. So, it is almost as though labor relations, who has all of these records available to them says, oh, we've got a 19 year employee, we'll fire him. But the part-time flexible that has been there seven or eight months, we're just going to give them a letter of warning because we have plenty of time to continue to try to fire them.

They say it is for consistency. We believe that it takes every right away from the line supervisor. You are talking about a line supervisor that is being paid at a level 15, that is going to say I'm not going to issue the discipline that——

Mr. MCCLOSKEY. But since there are seven people, don't they have the time for brief personal interviews with the parties involved?

Ms. COLLINS. Well, it would certainly seem so because in four years, they have gone from a staff of two to seven. So, it would seem to me that, yes, they now have adequate time to do that. But they don't because they don't care. It is just how can we discipline you. It doesn't matter about the human factor. That is why they took the supervisor out.

Mr. MCCLOSKEY. Well, thank you very much.

Is there anything any of the three of you would like to further state? It is very helpful testimony.

As to several of your concerns, Ms. Collins, I will follow up. I think on their face they are problematic.

Mr. BURRUS. We would like to once again express our appreciation to you, Mr. Chairman, for conducting these hearings and giving the union the opportunity of expressing our views on this most important subject for postal employees.

And we would also like to reiterate our earlier comments on commending the GAO staff on a thorough report even though we disagree with the thrust of that report.

Mr. MCCLOSKEY. I think the GAO would agree that there are concerns other than consistency. You can be consistently wrong or unfair or whatever. I think we will make allowances for that and talk to them.

I thank you very much.

Our fourth panel is a one-person show, Mr. Claudis S. Johnson, Jr., Contract Administration Representative for the Laborers' International Union of North America. Please come forth.

Good morning, Mr. Johnson. Could you please identify your companion and then proceed as you would like. Thank you very much for being here today. We appreciate your testimony.

STATEMENT OF CLAUDIS S. JOHNSON, JR., CONTRACT ADMINISTRATION REPRESENTATIVE, MAIL HANDLERS DIVISION, LABORERS' INTERNATIONAL UNION OF NORTH AMERICA, ACCOMPANIED BY WILLIAM SHIELDS

Mr. JOHNSON. Good morning, Mr. Chairman. I have with me Mr. William Shields who is also a member of the Contract Administration Department of the Mail Handlers Division of Laborers' International Union of North America.

Mr. Chairman, I am Claudis Johnson, Jr., and I am here today as a representative of the Contract Administration Department of the National Post Office Mail Handlers Union, a division of Laborers' International Union of North America, AFL–CIO. I am here as a spokesperson on behalf of General President Angelo Fosco of the Laborers' International Union of North America who is the official spokesperson for these types of issues. The Mail Handlers Division of the Laborers' International Union represents more than 50,000 U.S. Postal Service employees.

We thank you for the opportunity to present our union's position on the Postal Service administration of discipline.

We agree in part with the results and recommendations of the General Accounting Office, GAO, as reflected in its May 19, 1989 study on disciplinary practices and policies in the United States Postal Service.

There is no doubt that postal employees are penalized differently for similar infractions under similar circumstances. We have found that this type of disparate treatment exists from installation to installation, from tour to tour, from floor to floor, from unit to unit, division to division, region to region throughout the Postal Service.

It is the belief of the Laborers' International Union of North America, AFL–CIO, that the grievance and discipline procedure of article 15 and 16 of our national agreement allows supervisors to use their own initiative to discuss the employment and performance shortcomings with mail handlers prior to issuing formal discipline.

It is also our belief that the degree of discipline imposed by supervisors for some infractions varies throughout the Postal Service, and further that the absence of uniformity in imposing discipline, in addition to the different procedures in assessing penalties, is due in part to the interference of mid-level managers and the use of temporary supervisors, 204Bs, to do the unpleasant work of imposing discipline against the employees although such temporary supervisors have no authority whatsoever to settle any grievance arising out of their action.

It is, indeed, unfortunate that the prediscipline discussion provided for in article 16.2 of our national agreement is rarely used as intended by the negotiating parties. However, supervisors only use this procedure in an intimidating manner, never allowing the employee to present their side of the story. In retrospect, supervisors will seldom suggest the manner by which the employee may improve their performance or behavior.

Mr. Chairman, it must be noted that discipline of employees is inevitable. However, discipline used as described above has only

produced lower morale of employees, lower productivity output, increased grievances and generated retaliation by employees.

The findings of the GAO solidifies the claim of the union through the review of grievances and feedback we receive from shop stewards and representatives throughout the country. And we make this statement because of the fact that over the last two years we have conducted over 39 shop steward training programs throughout the country is where we get one portion of our feedback as it relates to discipline in the Postal Service; in addition to that, our other meetings that we've had and feedback that we received through our training of active participant in our QWL process.

During the 1987 national negotiations, the parties agreed to reinstitute the provisions of a memorandum of understanding agreed to by the parties in their 1984 national agreement to establish a discipline task force to study, review and make changes to improve our present discipline procedure. This resulted in the establishment of a number of proactive programs designed to address the overall grievance, arbitration and discipline process as outlined in articles 15 and 16 of our national agreement. The concept of these proactive programs is designed to allow the parties to settle all grievances at the lowest possible level of the grievance-arbitration procedure, particularly disciplinary grievances.

We have a number of proactive programs, in particular, the labor relations plan. The labor relations plan was developed by national parties to improve the labor-management relationship and to enhance levels of trust, communication and dispute resolution. Management and the union at the national and regional levels worked together over an extended period of time to identify, discuss and resolve fundamental conflicts. The process is structured in five phases.

Phase I is designed to identify, examine and assess specific obstacles that impede a good working relationship at the local level. This is done through confidential interviews with craft employees, union stewards, line supervisors and mid-level managers and labor representatives on all tours. Interviews are conducted by joint labor-management teams. As a result of the information received from these interviews, the installation head and directors and local union officials need to discuss and offer suggestions for change.

Phase II of the labor relations plan begins with joint exercises to improve communication and levels of trust and to emphasize the rights and responsibilities of both management and union. Labor and management officials work with the joint facilitators to determine attainable, short-term, 90-day goals. Then union and management select designees who are accountable for the achievement of the goals. The joint facilitators provide a menu of alternatives which contains successful dispute resolution processes for use by the parties. If necessary, the joint facilitators are available as resources to the parties.

Phase III of the process is a procedure that measures the parties' success at achieving the joint short-term goals. The facilitators work with the parties to reevaluate any unachieved goals. In addition, the facilitators and parties establish and set up the mechanism to monitor long-term goals.

Phase IV and V is designed to monitor, review and channel the local parties' efforts. A second series of interviews is conducted to determine whether the goals of improved communication, information exchange and labor-management relationships have been achieved.

The labor relations plan has been presented in two facilities to date, and there are four facilities pending implementation of the plan.

And out of the labor relations plan and the discipline task force established in the national agreement, we had a number of other proactive programs. One was a modified article 15 grievance-arbitration procedure. And because of time and the fact that they are printed in our presentation, I will not go through those plans, but I will mention them, the modified article 15, and specifically the modified article 16 on discipline procedures. And we also have a MUST program that is developed and practiced by the parties.

One of the unique features of these proactive programs is the fact that all supervisors, union shop stewards and representatives are jointly trained by representatives of the union and management from the regional and national level. These joint training sessions consist of the technical aspects of the changes or modifications, communications skills and most importantly conflict resolution exercises by exemplifying to participants that conflict can be managed and that conflict can be positive.

To date we have nine sites actively involved in modified article 15, two sites pending startup of the MUST program. There are 24 sites pending training of modified article 16 and five additional sites presently pending training for the modified article 15. As a result of the nine sites actively involved in modified article 15, those sites have experienced a tremendous reduction in grievances exiting the local facility demonstrating the fact that the proactive programs are successful, and they are intended to be long-term goals and long-term success.

Because of the extensive procedure used in our joint training and the number of sites requesting voluntary testing of one or two of these proactive programs, the national parties have agreed to utilize our regional QWL coordinators and regional representatives as trainers in each program. These joint regional coordinators and regional representatives will meet from June 19 through June 22, 1989 for the purpose of being trained as joint instructors in all proactive programs. Immediately after the completion of this training, those pending sites will be scheduled for orientation, training and implementation.

The proactive programs, as mentioned above, represent the union's commitment to the concept of changing the culture of the Postal Service by improving communication, trust and developing a stronger labor-management relationship between the parties resulting in reduced grievances, reduced formal discipline and settlement of grievances at the lowest possible level.

Mr. Chairman, let it be known that we recognize the responsibilities of management to manage the Postal Service and its employees. We also recognize management's responsibilities and rights to discipline employees, and we insist on maintaining our philosophy of protecting all rights of our membership and craft.

Mr. Chairman, on behalf of General President Angelo Fosco and Department Director Joseph N. Amma, Jr., we express appreciation for the opportunity of submitting our comments before this distinguished committee.

Mr. McCLOSKEY. Thank you very much, Mr. Johnson.

Do you have any figures or percentages as to the reduction in grievances in the nine sites that are actively involved in modified article 15?

Mr. JOHNSON. Yes. We regret that we did not include the figures in here. With the institution of the first program in August of 1988, we have had a reduction of over 80 percent of grievances exiting the facility. And the first site was the Atlanta BMC and GMF. In that particular facility, they had an average of 22 to 25 grievances going to arbitration a month. To date, they have only had two grievances to come out of that facility. The only other grievance that has came out of a facility was in Oklahoma City. All of the other nine sites have been no grievances whatsoever that came out of the facility.

And the purpose of the programs was for the parties to resolve their conflicts there. And we felt that if the parties resolved their conflicts at the local level, then there would be no plan for disparate treatment as we have experienced prior to the institution of these proactive programs.

Mr. McCLOSKEY. So, obviously, you feel very optimistic about these proactive programs.

Mr. JOHNSON. Yes, we do.

Mr. McCLOSKEY. They are working well and grievances are diminishing and so forth?

Mr. JOHNSON. Yes.

Mr. McCLOSKEY. Do you want to comment generally on management trends in the Postal Service now? Do you feel things are getting significantly better or is there less arbitrary discipline, better personnel communicators at the higher levels and so forth? How bad a situation do you think it is? We have heard today from previous witnesses it is significant to serious.

Mr. JOHNSON. I must say that prior to the institution of these proactive programs, it was bad. We also feel that it has not changed significantly in any facilities that is not involved in the proactive programs. Why? We do not know. But we do feel that with the institution of the commitment from the Postmaster General and the general president of the union, it has caused management throughout the Postal Service to change its philosophy or its stand as it relate to an autocratic type of relationship.

Mr. McCLOSKEY. Thank you very much for your testimony today. I am really glad you appeared, Mr. Johnson. Is there anything else you want to add in conclusion that we didn't talk about?

Mr. JOHNSON. No, I don't think so.

Mr. McCLOSKEY. Thank you very much, gentlemen. We really appreciate it.

Now we will hear from the President of the National Postal Mail Handlers Union, Mr. Glenn Berrien. Just one person with you today, Mr. Wright. Mr. Berrien, is that correct?

Mr. BERRIEN. Yes.

Mr. MCCLOSKEY. Good to see you both again. Please proceed as you would like. I know I will enjoy your testimony.

STATEMENT OF GLENN BERRIEN, NATIONAL PRESIDENT, NATIONAL POSTAL MAIL HANDLERS UNION, ACCOMPANIED BY MARION WRIGHT, SECRETARY-TREASURER

Mr. BERRIEN. The pleasure is again ours, Mr. Chair. Good morning.

Despite the assertion of our counterpart on behalf of Laborers' International, again we restate our exception as to who the legitimate spokesperson is on behalf of the National Postal Mail Handlers Union as it relates to legislative matters. But so that we don't belabor that matter, I would like to go into my presentation.

Again, good morning. I am Glenn Berrien, the National President of the National Postal Mail Handlers Union, a division of Laborers' International Union of North America. Our union represents more than 50,000 hardworking and dedicated mail handlers in the U.S. Postal Service.

Mr. Chairman, on behalf of our membership, I would like to thank you for requesting the General Accounting Office investigation into this serious matter and also for the opportunity to address the findings of the General Accounting Office on disciplinary policies of the U.S. Postal Service.

We have reviewed the GAO report, Discipline Practices Vary, and appreciate the efforts of the General Accounting Office for their analysis of Postal Service disciplinary policies.

GAO, after almost a year of study at several sites across the country, reported to the subcommittee what is frighteningly obvious to postal workers nationwide. The Postal Service lacks a national disciplinary policy and procedure to provide a consistent service-wide program of discipline with uniform penalties for similar offenses. Postal Service disciplinary policies vary from region to region, division to division, post office to post office and supervisor to supervisor.

The lack of consistency in postal disciplinary policy is a longstanding problem. As a former mail handler representative in the central region of the U.S. Postal Service on behalf of the union, I have witnessed disparity not only in different divisions, but also between facilities within the same division.

I would suggest that the major reorganization of the Postal Service into the divisional structure several years ago served to aggravate the problem by centralizing all disciplinary functions within the division structure allowing limited outside review or input. Mail handlers have long recognized that each of the 75 divisions operate as independent postal services, each adapting and modifying disciplinary policy and work rules.

The inconsistent approach to discipline has effected mail handlers by lowering morale and increasing levels of frustration and resentment in the work place. An arbitrary and capricious approach to employee discipline costs the Postal Service untold dollars in lost productivity, reduced employee motivation and administrative costs for grievance processing.

We concur, Mr. Chairman, with your opening statement during the first day of this hearing that "a lack of uniformity can be used as a smoke screen to shield discrimination." Absent any recognized guidelines, management can—and as I have seen many times—exploit the latitude afforded them by the present disciplinary system to harass and intimidate an employee. Under a system that lacks effective checks and balances, this kind of discrimination can be devastating to the affected employee.

The National Postal Mail Handlers Union concurs with the findings and recommendations of the GAO report. We look forward to an opportunity to meet with the Postal Service and discuss the implementation of the GAO's report.

Mail handlers would also like to address an area of inconsistency in postal discipline practices not investigated by the GAO, that is, the striking difference in the severity of discipline issued to bargaining unit employees and management employees for similar infractions. Allegedly, management employees are held to a higher standard of behavior than the bargaining unit because of their position in the work place, but that canon does not hold true in terms of equity of discipline.

For example, in the Des Moines, Iowa office, two mail handlers were issued removal letters for falsifying information regarding an on-the-job injury. Subsequently both were served complaints under the Program False Civil Remedies Act, 31 U.S. Code 3801, to return some $400 in medical payments involved and to pay a $1,000 penalty.

In the same facility, the Postal Inspection Service found a management employee had falsified an application for promotion. That employee previously was awarded the promotion and a salary increase of $6,000 for eight months until the fraud was discovered. Yet, that management employee was allowed a voluntary reduction to another supervisory position. And the Postal Service has yet made no claim for the $6,000.

As I stated earlier, the inconsistency in disciplinary practices has a negative impact on the employees in terms of the morale and productivity.

Injustices, similar to the situation in Des Moines, compromise the integrity of the Postal Service. We hope this form of injustice and discipline will be considered by the subcommittee in the future.

We hope that the Postal Service will review the recommendations of the GAO and incorporate them into a comprehensive national policy that will repair and rehabilitate the disciplinary policies of the Postal Service.

Thank you, and we will be pleased to answer any questions for your at this time.

Mr. McCLOSKEY. Thank you very much, Mr. Berrien.

I am interested in and appreciate your comment as to a double standard between management and rank and file as to similar infractions and the fact that leniency seems to go all one way. This came up once before today from Mr. Burrus and is something that we surely ought to, in one way or another, communicate to the Postal Service. I must say I appreciate that.

Now, I understand you do have some new proactive agreements signed recently between the Mail Handlers and the Postal Service. We have heard some previous comment. Do you want to state your view as to how that is working?

Are things improving? What can be done to make things even better? I guess there is a feeling of some at least moderate to signif*icant improvement.* What would you really emphasize as far as what needs to be done from here?

Mr. BERRIEN. Indeed, you are accurate, Mr. Chairman, that there are some new pro-active agreements. However, those agreements are between the Laborers' International Division and the U.S. Postal Service supposedly on our behalf.

One, for example, is the new article 15 revised grievance procedure to which we take exception for the simple reason that it undercuts the nationally negotiated contract. And in our opinion it places an excessive burden upon the local general presidents and the local budgetary situation because it causes them to now, after a final step 2 decision, have a compelling obligation to determine whether or not you arbitrate a letter warning, an AWOL case, a denied step increase, which would normally in most instances be salvaged, modified or adjusted at a step 3 level to which extent no additional cost would be incurred on our local offices.

However, in the present circumstances, the same individuals on behalf of the U.S. Postal Service who denied that case at step 1 and also denied it at step 2 have the flexibility and latitude now to say that we deny it and you are fully for it, arbitrate it. And, of course, I'm sure you know that contract cases of that magnitude cost the local unions some $1,300 per case. And that is slightly excessive to the postage and appeals which would normally go through a step 3 level and possibly be salvaged.

Mr. MCCLOSKEY. We'll have to go into that further with several parties.

Are there any other suggestions you want to make? How do you feel management's styles are improving? Can you sense a new concern for the rank and file and ability to communicate on the average?

Mr. BERRIEN. I honestly detect some sincerity towards that goal on the end of Brother Frank, the PMG. However, this has not filtered down to the local level as yet. Indeed, such products as the quality of work life are attempting to return us back to the days where we originally had a meeting of the minds and openly discussed matters, and we were not treated by postal management in any authoritarian capacity.

However, I honestly believe that the line supervisors and those individuals who are, indeed, the culprits of all of the disparity in treatment need an honest heart-to-heart meeting with Brother Frank as to whether or not he truly wants them to start implementing these policies and be sincere about them. The inequity in the issuance of discipline has not diminished to any extent despite the QWL, the MOD, the NOTOL, all of the other various programs.

I think that all of these thousands and millions of dollars that we are spending or that the Postal Service is expending exploring all of these new avenues—if they were put towards enforcing the nationally negotiated contracts, we all would be better off.

Mr. McCLOSKEY. Thank you very much, Mr. Berrien. If there is anything else you care to add, please do so.

Mr. Wright, good to see you again.

Mr. WRIGHT. Good to seeing you too, Chairman McCloskey.

There is just one thing I would like to say in regard to these new pilot programs as it relates to disciplinary procedures. Naturally under disguise that they basically will work where they have initiated those pilot programs, the Postal Service is bending over backwards, I would say, in order to trick the union to agree to such programs in other areas. And normally that is what they normally do. They normally bend over backwards to make sure that particular test program works, and then after it works, they have no concerns in regards to it.

Mr. McCLOSKEY. There is not the emphasis on the quality then. Right?

Mr. WRIGHT. Exactly.

Mr. BERRIEN. I guess, Mr. Chair, our concern is the long-term sincerity on the pilot programs. One can easily paint a pretty picture from the onset if they simply tell their managers that we want this to work in this particular area. However, just as initially negotiated contracts, they may work from the onset, but what is going to be the long-term effects when people start examining and exploring ways to get around the parties' agreements.

Mr. McCLOSKEY. Thank you very much, gentlemen. We really appreciate it.

Our last person testifying is Mr. Robert White, President of the National Alliance of Postal and Federal Employees. Good morning, Mr. White. Welcome. Please identify your companions and please proceed as you would like.

STATEMENT OF ROBERT L. WHITE, PRESIDENT, NATIONAL ALLIANCE OF POSTAL AND FEDERAL EMPLOYEES, ACCOMPANIED BY MICHAEL WHEELER, PRESIDENT, DISTRICT 9 OF NAPFE; AND TOMMIE L. WILSON, PRESIDENT, LOCAL 209

Mr. WHITE. Thank you very much, Mr. Chairman.

First let me just say I have been enjoying some of the testimony that I have heard this morning by some of the other union officers.

And I might just put in here that I am a product myself of Indianapolis, Indiana. And I have over the years on many occasions had to go to Indianapolis to deal with certain issues involving members of my union, our union, over the years. So, I can appreciate the statements the young lady made not only as far as Indianapolis is concerned, but that applies throughout the country quite a bit.

Mr. Chairman, I am Robert L. White, national President of the National Alliance of Postal and Federal Employees. With me today is two of our national labor relations officers, namely, Mr. Michael Wheeler from St. Louis, Missouri, on my right, who is also President of District Nine of the NAPFE, and labor relations officer Mr. Tommie Wilson who is also the President of Local 209 located here in Washington, D.C.

We are, indeed, grateful for your interest in this important and crucial question of the disciplinary practices that are being utilized

by the U.S. Postal Service, how they are reached and why the imposed penalties vary to the extent that they do.

The National Alliance was founded in October of 1913, 75 years ago, basically because of the unwarranted, unjust and unfair treatment of black employees by management of the then Post Office Department. It is a fact that we have been in the forefront for years, taking part at all times in seemingly endless efforts to find an acceptable solution to the problems that often rise as a result of extreme inconsistencies in disciplinary actions that are imposed by management within the Postal Service.

We have also been working steadily and consistently toward improving the Postal Service's image in the total area of equal employment opportunities.

Therefore, we feel that the NAPFE is well-equipped to offer testimony on the subject matter of this hearing, and we appreciate this opportunity to appear before this committee.

We have read the report that has been submitted by the General Accounting Office. It is a well-documented and analytical report which contains all of the professionalism that is usually embodied in studies of this nature. As a result, we applaud the General Accounting Office for acquiring and compiling for the record the type of data that it has submitted to this committee.

To a large extent, this substantiates the many complaints that this union has made and is still making in regards to varying disciplinary penalties for similar and sometimes worse on-the-job offenses. I would also add that the stated policy of considerations that are allegedly required prior to the impositions of penalties are not always followed.

Mr. Chairman, the GAO report unfortunately does not make mention of, in our judgment, the major cause for Discipline Practices Vary because it does not mention prejudice as a factor that plays an important role in some instances in human beings' thoughts and actions on an everyday basis. Most individuals would deny that this is true, and we certainly would not challenge their right to make such a statement.

However, prejudice, whether it is acknowledged, recognized or not, or whether it is inherited or not, or whether it is self-developed, influences some of the mannerisms of human beings. We are not referring to just racial prejudice because there are many other areas, such as one's religion, skin color, your size, whether they are attractive or not attractive, their age, their dress, their personalities, et cetera, which also causes variance in the imposition of penalties.

Postal employees are penalized differently for similar infractions and under similar circumstances. The evidence is abundant, but in the interest of time, we will offer just a few examples.

In many instances, supervisors mete out penalties which are far in excess of what is needed to correct the alleged infractions. Sometimes employees feel that they are being placed in a Catch 22 situation. For example, an employee sustains a minor on-the-job injury. As is required, the employee reports the accident, and management takes the report and in some instances use it as a basis for disciplinary action in the form of a letter of warning.

The terms "failure to maintain your work schedule" and "unscheduled absence from your assignment" is used by the Postal Service in the issuance of discipline for attendance infractions. Supervisors determine when to issue letters of warnings for those infractions after allegedly reviewing an employee's attendance record.

In the issuance of the letter of warning or suspension, the employee often has no idea exactly what it will take to put them in the discipline mode. Will absence of two, five or ten days of sick leave usage cause them to receive discipline? For example, the employer in issuing the employee letter of warning for attendance infractions, warns the employee that any further attendance irregularities will result in further discipline. However, further attendance irregularities are not specifically defined.

In some cases, after the letter or warning was issued, two days sick leave was enough to push the employee into the next step of discipline while other employees, after receiving a letter of warning for attendance, were allowed five, seven and eight days sick leave usage before they received the next step disciplinary action, which in many cases is a suspension.

Now, we do not condone the abuse of sick leave or any other attendance requirements, but it is our hope that all discipline emanating from alleged attendance infractions would be issued more equitably.

Black employees across the country have been investigated by the Postal Inspection Service for on-the-job gambling activities. Let me say, for instance, betting on numbers. This has resulted in many black employees losing their jobs while white employees who participate in on-the-job gambling activities, such as football and baseball pools and betting on horses, are generally not targeted for investigation by the Postal Inspection Service and thus are not disciplined or removed for such behavior.

Again, I must say that we do not condone betting on numbers or any other gambling activity on postal property while an employee is otherwise on duty. But we do feel strongly that no culture or group should be singled out for investigation while others do not receive similar scrutiny for similar activity.

More training and higher supervisory standards will go a long way towards reducing the inequities inherent in postal discipline. The promotional system must be used to the extent that it brings in only the best qualified applicant into postal management. Emphasis must be placed on a supervisor's ability to deal fairly and intelligently with employee problems, utilizing good human relations skills and strong commitment towards fairness.

We agree with the General Accounting Office report in that the procedures followed in using predisciplinary discussions and in selecting penalties should be clear and consistently followed. Such procedures should be uniformly applied throughout the U.S. Postal Service.

Further, we believe that the use of a code of penalties would serve as a beneficial guideline for management. A rule which is ambiguous and provides for discretionary judgment to be utilized in the imposition of a penalty clearly allows for a variance in penalty.

In other words, a rule which states no employee will engage in criminal, dishonest, notoriously disgraceful or immoral conduct or other conduct prejudicial to the Postal Service provides for many variables. For example, two employees under the same managerial supervision committed misconduct in accordance to the applicable regulation, but only the black employee received some form of discipline, which was a removal action.

For example, a black employee wrote a check for a postal product, money order, which is contrary to postal regulations. However, she followed appropriate procedures in the handling of the check, but the check was returned for lack of sufficient funds. As a result, the black employee was charged with misappropriation of postal funds with conversion to your own personal use and was subsequently discharged and reinstated without back pay after six months.

On the other hand, a caucasian female wrote four checks at different intervals for postal products. All of these checks were held for an unknown period, which is contrary to applicable regulations. Also upon presentation of these checks to the bank several days later, the bank account had been closed. However, more importantly, for some reason the postal investigation was aborted and no disciplinary action was proposed and none was taken for misconduct.

We as a national labor union represent postal employees throughout this country in various advocate forums, for example, Merit System Protection Board, Equal Employment Opportunity Commission, Office of Workmen's Compensation Programs and others. In this regard, our organization is very cognizant of the variance in the application of discipline imposed by the Postal Service.

In conclusion, Mr. Chairman, I think we can all agree that there is a longstanding problem with disciplinary procedures in the Postal Service. Now that this matter has been brought before the proper congressional committee, we hope that legislative initiatives will be made which would result in more evenly distributed methods of discipline.

We will be glad to answer any questions that you may wish to ask.

However, let me also just relate to a situation which took place in Pittsburgh, Pennsylvania not too long ago where a black female employee of some 55 or so years of age was manhandled by postal inspectors, handcuffed and taken off the workroom floor basically just because of some differences that she had with her immediate supervisor.

We made a complaint through the news media about this type of situation which we felt was very volatile. And it was the kind of activities that create many problems in post offices throughout the country because we felt that it was very, very unjust and unfair for two six feet or so postal security guards to grab a female employee and throw her up against the wall. And we are not talking about a color here. It wouldn't make any difference what color they are. Throw her up against the wall, throw handcuffs on her and escort her out of the building.

At the same time then they filed some criminal charges or attempted to file some criminal charges which we have never been

able to find out what the criminal charges were. I know that the prosecuting attorney in Pittsburgh—they refused to even accept the case that the postal inspectors provided.

She was also sent off duty in a non-pay status and left off duty in a non-pay status for a total of 67 days.

In the meantime, we were in the process of trying to get her back on the job, trying to work out some agreement with management in the post office as to the unfairness of the action that had been taken against this employee.

The only thing that we find that is wrong with some of the deals—and I use the terminology "deals"—that take place between postal management and some other organization or attorneys is that they do make deals whereby they will recognize their mistake and they will make a deal whereby they will put the employee back on the job and have the employee to sign a waiver of some form which would state they are giving up certain rights that they have which would provide them a right to file another form of a grievance or to go for unemployment compensation and other things. They make them sign those. They don't make them, but they require it as a condition basically to get back on duty.

And many employees, not knowing, not recognizing that they do have other rights, to get back on the payroll, will oftentimes sign this waiver. We feel that that is unfair and it is unjust.

Inasmuch as we are not a part of the exclusive unions who have a lot to do with some of the rules and procedures that are established for the purpose of disciplinary action, we naturally do not feel that we can make any kind of recommendations that carry any merit. However, we do know from our many years and years of experience that there are too many injustices, unfair disciplinary actions that are taken against all employees regardless of race, color, creed or the area in which they work for something not to be done about it.

One of the reasons that we are an independent labor union is because of the fact that we feel that we have to hold on to the independence of this union so that we can speak directly to those issues that come out and not have to refer them to someone else to try to make those kinds of decisions that we feel that we can best make for the members that we represent.

This has been a major concern of this union for years. I am a person who worked in the post office for 35 years, so I am not talking about what someone told me. I have been a part of the system. I worked as a letter carrier before transferring into a clerk, and I have also worked in other Federal agencies. So, I know that it not only applies in the post office, but it applies, not to the same extent, throughout the entire Federal Government.

But we have grave concerns and until something is done to attempt to alleviate these variances in disciplinary actions which sometimes applies to a person because he may be a Jew, he may be light skinned, he may not be, as I stated, an attractive employee, speaking particularly of females— and this happens. This happens. When I was in the post office before, there were numerous females in the post office. And we know now and we have seen instances where an attractive female employee will get certain types of attention and will get away with some things that other unattractive

employees—those are just human nature things which you cannot maybe do much about, but you certainly can notice them, and you certainly can try to resolve them in some better manner than what is being done now.

Again, I could just go on and on citing all kinds of instances.

This report even states that supervisors make, in many instances or most instances—take disciplinary action. This is not necessarily true. Some supervisors do not have the authority to take disciplinary action. There are many supervisors who have told us and will tell anyone else maybe, except in a report like this, that, yes, they go to training courses which the management sets up, and they are told certain types of things that can be done based on policies which have been established. But when they go back to that post office where they are employed, they have to deal with the king of that post office because that post office is the kingdom of the postmaster and other top managers. And they either do what they are told to do or else they become also the victims of disciplinary action.

I just point these things out to let you know that everything that sounds good isn't as good as it sounds even in a wonderful report such as has been made by the GAO. But I am very, very happy that the GAO has verified some of the things that we have been saying for many, many years. And for that I certainly compliment them.

And I certainly compliment you, Mr. Chairman, on your interest in this matter and for your statement, which I also read, in acknowledging and recognizing that some of the stress that is brought about through working in the post office and activities of the nature that we know of are unnecessary and it does cause many fatal heart attacks and also some of the other types of problems which have been unfortunately developing in the post office. We do not want it. We don't like to see it. Anytime we see it, we try to bring it to the attention of postal management so that we can try to avoid it if possible.

Again, thank you very, very much for allowing us to appear in front of you.

Mr. McCloskey. Thank you very much, President White, for an excellent statement.

Obviously your statement is a strong condemnation of any racist or discriminatory tendencies within the system and the society. You are right, unfortunately, that such tragedies do exist.

I was intrigued with some of your empirical or on-site examples with the emphasis right now on lotteries. Of course, lotteries are the respectable gambling routes rather than the numbers and so forth. I guess the numbers are really diminishing as one state after another goes for the lottery.

But what happens when this gets talked about by you and other employee groups? Can you really document that they are letting people do lottery activity on site but disciplining people when they want to play the numbers? I guess there could be a legal argument to that effect, but I just wonder what happens. What do they say? What does the system say when you bring this up?

Mr. WHITE. Don't forget, numbers—they call it a lottery now in view of the fact that it has become legal, but it used to be just plain, ordinary numbers which people used to write on the streets.

Mr. MCCLOSKEY. I grew up at 40th and Brown in West Philadelphia, so you don't have to explain it to me. I've heard of it. [Laughter.]

Mr. WHITE. So now, as I say, lottery is still legal, but you still are not supposed to be writing and playing lotteries while you are on duty or you get some employee to go out to the store and buy lottery tickets and things for you. I'm assuming that is what they are talking about now. But in the old days of numbers, people used to go around and collect numbers from employees and take them out and make sure the numbers got in.

At the same time, as I was trying to point out earlier, many other employees, not just white employees, black and white managers and all, they call in their bets on horses over the telephones and baseball pools, things of that nature. And nothing is ever done about it, but if you catch an employee on the floor writing up numbers, as you might say, they will charge them with violation of gambling on the job.

Mr. MCCLOSKEY. So, it may be a class thing rather than a race thing as such.

Mr. WHITE. It could be categorized in that broad area, yes, that very, very broad area.

Mr. MCCLOSKEY. I would sure appreciate your providing for the record any specific cites or examples where this double standard has gone on. It may not be the most pressing issue facing the Postal Service, but it is very interesting. Could you give us some written examples or give us further information at some point?

The woman, who was handcuffed, surely must have had some idea of her alleged problem, at least with the Postal Service if not with the criminal authorities. Will she not say to you why she thinks she was so treated?

Mr. WHITE. Let me put it this way. Our position—and it may be the wrong position for us to take. But our position was that this was a black female employee. The supervisor was a white female employee. There was some exchange in words and differences because this employee came in and hadn't taken her coat or hat off or something like that, and the supervisor wanted her to go to the locker. In other words, it was a kind of misunderstanding.

Mr. MCCLOSKEY. But this mandated handcuffs?

Mr. WHITE. They do that quite often. We have been highly critical of postal management permitting or asking inspectors to come into the post office and take anyone, whether they be female or male, white or black, as though they were criminals and take them off of the workroom floor. It is still being done, and sometimes it is not a matter of the person being violent or maybe in fights. We can understand it if those kinds of activities are taking place. But in just any ordinary activity, even if the person has been found or noticed doing something wrong with a piece of mail on the floor, it still doesn't require putting a person in handcuffs and taking them off the workroom floor.

Mr. MCCLOSKEY. Mr. White, if you care to provide any more background information as to that particular case, Ms. Kendall and

I would really love to see it. It would to help educate us as to some of these things that are going on out there.

Just moving the pace a little bit here, but we all know Mr. Leland and Mr. Dymally and others have held hearings and have had profound commitment to EEO and human relations improvements in the Postal Service and the Federal service. I know you have testified eloquently at hearings on it. We are getting into a time problem here obviously, but your whole statement points to an EEO and human relations problem. Briefly, for the record, can you state what they need to do that isn't being done now, other than to do right and do better?

Mr. WHITE. Well, the thing that we are finding unfortunately—and we don't like to get into a position of sounding like we are against other unions or anything like that, but the EEO procedure is to a great extent being circumvented by management both in the post office and in Federal agencies by using what they refer to as grievance procedures. Grievances as far as the exclusive unions are concerned is something which is just between the unions having exclusive recognition and management who come to all kinds of agreements that is to what constituttes work habits and all.

In many instances now, they are using—we call it —intimidating forms to have employees sign before they can even go talk to an EEO counselor. I really should let one of my two aides here address this matter, because they deal with this everyday. But they do have forms which they will give to an employee to sign before they can even sometimes talk to the EEO counselor, which used to be almost automatic.

They also now have forms where they work out with the exclusive union—an employee can sign this form where they will waive their rights to file an EEO complaint. They will waive that right so that they can get a reduction in the penalty which is being imposed. That is the reason a lot of these penalties change from 14 day suspension down to a 7 day suspension based on the fact that this employee will sign this form waiving their rights to process it any further through any other procedures that may be available.

And to an extent that is reducing, as allegedly has been stated, the number of EEO cases and the number of grievances throughout the post office because many of them are being put in the category of being a grievance and they are being handled by the unions with these signed agreements. And as a result, they do not appear as an EEO complaint.

Mr. MCCLOSKEY. I am not an expert on this. I could understand any union's interest in being able to pursue those particularly when there is probably complex and overlapping violations and causes. I know you have testified, and there are some real concerns there.

But, just briefly again, let's get out of process and procedure for a second and talk about commitment. Is the commitment there? Is it improving? Is the Postal Service leading and counseling and demanding fairness and equality, or is there just much to do yet?

Mr. WHITE. Do you mind if I have one of my two assistants answer?

Mr. MCCLOSKEY. I am pleased to welcome all three of you.

Mr. WHITE. Mr. Wheeler?

Mr. WHEELER. Just a comment, Mr. Chairman. I think that not trying to deviate from your initial question, but just from observation, in looking at the——

Mr. MCCLOSKEY. I know I am in some treacherous terrain here. I knew that before I brought it up. But still, I would feel derelict if I didn't at least ask the question to let you state your priorities and what could be improved for the record.

Mr. WHEELER. I think that looking at the GAO report, there is one observation I would like to make is that the discipline tracking system that GAO utilized in determining that all these variables were occurring, that if they had it on the local levels and also the regional levels, there might be more consistency given because the EL&R officers, which is your employees' labor relations officers, monitor those particular disciplinary actions being imposed. And as a result, supervisors could then contact that office and determine whether or not there are choices that he or she has to make or could make in rendering whatever decision there is.

Locally there is no kind of monitoring system used at all. It is just, as the young lady from Indiana said, that the EL&R director or representative who received the complaint makes the determination that this should be the penalty without talking about parity or whatever, and the decision is made. I think that if that same tracking system was handed down, I think that parity would be more likely.

In regards to your question on whether or not the post office is becoming fair or not, I represent approximately 11 states. In my observation throughout the country, we find that equality is not there. And I am not saying that simply because of the fact that we are involved with Equal Employment Opportunity or the Merit System Protection Board laws, but it is not there.

And to give you an example, in 1984 we resolved the issue of welfare fraud within the Postal Service. There were six young ladies who were fired. Three were represented by some other organization, and they used some other forum. We represented the other three young ladies in a different forum. Fortunately, we were successful in our efforts in representing these young ladies, and restored these young ladies back to duty. And they received $27,000 back plus their seniority, et cetera.

Well, the other young ladies were out in the cold. And when the Postal Service, who utilized the reason of welfare fraud to fire these people, when they came back after we resolved it and wanted to get their jobs back, the Postal Service denied them their particular right, and those persons subsequently are outside the post office now.

Five years later or four years later, the same occurrence happened. Here you got the same welfare issue coming up and the same issues coming up. We write the post office, et cetera, explaining our position that this has been resolved previously, and the Postal Service ignores that and continues to go on and pursue the removal of those employees. And here two weeks ago those employees were reinstated back in the Postal Service.

So, there is no consistency. They don't use precedence. In fact, when they write resolutions up, what they agree upon is that the resolution that is reached in this particular instance is not a prece-

dent and cannot be used in any future type of settlements. And I think that is kind of unfair, and I think that adds to the variance and also the unfair treatment.

Thank you.

Mr. McCLOSKEY. Basically there is a lot more to be done.

Mr. WHEELER. There is a lot more to be done.

Mr. McCLOSKEY. Well, thank you very much.

Mr. WHITE. Your answer to the word "commitment"—the Postal Service's commitment to EEO, quality of opportunity—let me just say I do not think it is as strong as it should be after all of the years. I'm not going to say that this applies to everyone. It is just like General Frank——

Mr. McCLOSKEY. It will vary.

Mr. WHITE. I have talked to General Frank and had a long discussion with him. I think he personally is committed, but there are a lot of people in this postal system who are not as committed as he is, and naturally it is going to be very, very difficult to get this down to all of those levels.

And the other area that we have found and one we have recommended quite consistently is that if postal top management would take some disciplinary action against some of these people who are involved in this type of activity continuously over the years, that they take some disciplinary action and let it be known that they are taking some disciplinary action, that would have some effect perhaps on others who may be inclined to do likewise.

But so many times we have seen over the years that these persons who are guilty of dealing in excessive disciplinary action or racial inequality or anything like that, they end up being promoted.

Mr. McCLOSKEY. I have experienced similar problems.

Mr. WHITE. Yes, end up being promoted. And it just looks bad. And some of the people say, well, why bother with it.

But the most dangerous thing that I think is happening right now along with the Supreme Court's ruling yesterday or the day before, whatever it is, which is going to again negate the efforts, we believe, in trying to eliminate discrimination, are these types of experiments which the post office is using in the way of forms to have individual employees—before they can go and make an EEO complaint, they have to sign a form, give in some instances a life history. And then if they are charged with removal or even a 14 day suspension, they work it out with the union head. Well, the person will sign this form that says they waive their rights to process someone under EEO or some other case. We will reduce it to seven days or maybe reduce it to a letter of warning. That is not the way to get the problem that we are talking about resolved in those kinds of activities.

If you don't mind, I would like to leave with you a copy of this form to put with this letter used against this lady in Pittsburgh where she was out of work for 67 days, returned to duty. She wasn't charged and found guilty of anything, but she lost pay for 67 days, and they had her to sign a waiver whereby she could not even file anything at all.

Mr. McCLOSKEY. We will accept that for the record, and any specific information you care to add because I am very interested in

this case. Some of these additional points will be very much appreciated, President White.

[The information referred to follows:]

SETTLEMENT & AGREEMENT AS RESULT OF REDUCTION IN REMOVAL PENALTY

On this date, I, Rose Mary Seals agree to the following:

The removal as stated in the Notice of Charges dated January 11, 1989, will be reduced to a suspension of 67 calendar days, from December 6, 1988, thru February 10, 1989. You will return to duty status effective February 11, 1989.

There will be no attorney fees or back pay awarded for the period of suspension or the Emergency Action.

It is mutually agreed that U.S. District Court citations, 0-013271 and 0-013272 issued by Postal Security Officers will be withdrawn and that no future criminal charges will be pursued.

It is mutually understood that this settlement agreement is not to be cited as precedence by either party in any future grievance or arbitration cases. It is understood, however, that the disciplinary action imposed by this settlement agreement, if applicable, becomes a part of the grievant's work record and can be relied upon and cited by either party in future proceedings involving the grievant.

This agreement was not the result of any threats, coercion or intimidation. I understand that accepting the terms set forth above waives the right to proceed further on the matters through the processing of EEO Complaints, grievances, court actions or any such other action against the Postal Service, its agents or any other party involved.

It is further understood that this is neither an admission or a validation of any grievances or citations or violations on the part of either party.

Robert L. Downey, Esquire
Attorney for Rose Mary Seals

Rose Mary Seals

Date 5-18-89

FOR THE U. S. POSTAL SERVICE:

Thomas J. Blum
Manager, Labor Relations

Date 5-19-89

FOR THE UNION:

John P. Richards
President, PMAPWU

Date

Date

Mr. WHITE. Thank you very much.

Mr. MCCLOSKEY. Mr. President, gentlemen, I thank you very much. It has been an excellent hearing and excellent testimony.

This hearing is adjourned. Thank you.

[Whereupon, at 12:50 p.m., the subcommittee was adjourned.]

[The following statements were received for the record:]

STATEMENT

OF

RON SWISHER

PRESIDENT

NATIONAL LEAGUE OF POSTMASTERS

MR. CHAIRMAN, MEMBERS OF THE SUBCOMMITTEE, MY NAME IS RON SWISHER, AND I AM PRESIDENT OF THE NATIONAL LEAGUE OF POSTMASTERS OF THE UNITED STATES. THE LEAGUE REPRESENTS 27,000 POSTMASTERS AND APPROXIMATELY 30,000 FEDERAL EMPLOYEES ENROLLED IN OUR HEALTH PLAN AND RECEIVING OTHER BENEFITS.

I WANT TO THANK YOU FOR INVITING US TO TESTIFY ON THE RESULTS OF A GENERAL ACCOUNTING OFFICE (GAO) STUDY OF DISCIPLINE PRACTICES AND POLICIES IN THE UNITED STATES POSTAL SERVICE AND COMMEND YOU FOR CONDUCTING THESE HEARINGS SO PROMPTLY, AND FOR PROVIDING US AN OPPORTUNITY TO RELATE OUR EXPERIENCES CONCERNING POSTMASTER DISCIPLINE CASES.

THE GAO STUDY CONCLUDED THAT THERE IS INCONSISTENCY AND UNPREDICTABILITY IN THE ENFORCEMENT OF THE POSTAL SERVICES WORK RULES. IF THIS COMMITTEE IS SURPRISED BY THESE FINDINGS OF UNCLEAR DISCIPLINARY POLICIES LEADING TO DISPARATE AND UNFAIR TREATMENT OF RANK AND FILE POSTAL WORKERS, THEN ITS MEMBERS WILL BE ABSOLUTELY ASTONISHED AT THE EXTENT OF SUCH UNFAIRNESS AND DISPARATE TREATMENT IN POSTMASTER CASES.

I THINK I CAN SAY WITHOUT ANY FEAR OF CONTRADICTION THAT ALL THE IMPROPRIETIES IN CRAFT DISCIPLINE ARE MAGNIFIED TENFOLD IN POSTMASTER CASES. PERMIT ME TO CITE EXAMPLES FOR YOU IN CERTAIN SPECIFIC AREAS.

1. THE MOST OBVIOUS PROBLEM IN POSTMASTER DISCIPLINE, WHICH I AM SURE IS WHAT WILL BE FOUND BY CONGRESS IN ALL POSTAL SERVICE DISCIPLINE, IS THAT EACH DIVISION FUNCTIONS AS AN INDEPENDENT FIEFDOM IN ALL

MATTERS, INCLUDING DISCIPLINARY ACTIONS. THUS, THE DISCIPLINE TAKEN AGAINST POSTMASTERS IN ONE DIVISION OFTEN IS MORE SEVERE THAN THAT TAKEN AGAINST POSTMASTERS IN OTHER DIVISIONS. IN SHORT, THERE APPEARS TO BE NO NATIONAL OR REGIONAL REVIEW OR CONSISTENCY IN DISCIPLINE. ADDITIONALLY, THE REALIGNMENT OF POSTAL REGIONS RESULTED IN A RASH OF DISCIPLINE AGAINST POSTMASTERS, INCLUDING MSC AND DIVISION MANAGERS, IN THE STATES THAT HAD CHANGED REGIONS WITHIN THE FIRST YEAR AFTER POSTAL REORGANIZATION. AS AN EXAMPLE, VIRTUALLY ALL OF THE TOP POSTAL MANAGERS IN THE STATE OF COLORADO WERE DISCIPLINED AND REMOVED FROM THEIR POSITIONS WITHIN A YEAR OF COLORADO'S MOVE FROM THE WESTERN TO THE CENTRAL REGION.

SIMILAR STORIES HAVE COME OUT RELATIVE TO DISCIPLINARY ACTIONS TAKEN AGAINST POSTMASTERS IN OHIO, KENTUCKY, AND THE CAROLINAS -- ALL STATES THAT CHANGED REGIONS WITH THE LAST REORGANIZATION. THUS, THERE ARE NOT ONLY INCONSISTENT DISCIPLINARY ACTIONS AGAINST POSTMASTERS IN THE VARIOUS DIVISIONS OF THE POSTAL SERVICE, THERE IS A RASH OF DISCIPLINE, MUCH OF IT VERY SEVERE, AGAINST POSTMASTERS AND HIGH-LEVEL OFFICIALS EVERY TIME THE POSTAL SERVICE IMPLEMENTS A MAJOR REORGANIZATION. THE POSTAL SERVICE SHOULD BE VERY CONCERNED ABOUT THIS TENDENCY WHICH CAN BE DEMONSTRATED BY MERELY REVIEWING THE CASES THAT HAVE ARISEN IN THE LAST TWO YEARS IN STATES THAT HAVE CHANGED REGIONS AND IN THE VARIOUS DIVISIONS.

2. A SECOND ASPECT OF POSTMASTER DISCIPLINE WHICH IS EXTREMELY FRUSTRATING IS THE POSTAL SERVICE'S POLICY OF NOT SUSPENDING POSTMASTERS. THE POSTAL SERVICE'S ATTITUDE CONCERNING POSTMASTERS IS THAT YOU DO NOT SUSPEND THEM IF THEY COMMIT AN INFRACTION, YOU REMOVE OR DEMOTE THEM FROM THE POSTMASTER POSITION. THE SEVERITY OF THESE DEMOTIONS AND REMOVALS FOR MATTERS THAT SHOULD BE ADDRESSED BY MERE LETTERS OF WARNING OR MINOR SUSPENSIONS IS CAUSING THE POSTAL SERVICE TO HAVE MORE THAN ITS FAIR SHARE OF CASES REVERSED BY THE U.S. MERIT SYSTEMS PROTECTION BOARD ON THE GROUND THAT THE PENALTIES ISSUED TO POSTMASTERS ARE OFTEN BEYOND THE MAXIMUM REASONABLE PENALTY PROVIDED FOR UNDER CIVIL SERVICE LAW. I BELIEVE THE MERIT SYSTEMS PROTECTION BOARD WILL CONFIRM THAT POSTMASTER CASES PRESENT THEIR LARGEST NUMBER OF CASES THAT INVOLVE MODIFICATION OF PENALTIES BECAUSE THE INITIAL PENALTY ADMINISTERED TO THE POSTMASTER BY THE POSTAL SERVICE IS, MORE OFTEN THAN NOT , UNDULY HARSH AND PUNITIVE.

THE POSTAL SERVICE FURTHER COMPOUNDS THIS DISCIPLINARY INEQUITY BY NOT EVEN BEING CONSISTENT IN THEIR APPARENT POLICY TO NOT SUSPEND POSTMASTERS. WE HAVE REPORTS THAT POSTMASTERS ARE ROUTINELY SUSPENDED IN A FEW DIVISIONS IN THE POSTAL SERVICE WHEREAS THEIR COLLEAGUES IN THE MAJORITY OF DIVISIONS IN THE POSTAL SERVICE NEVER RECEIVE SUSPENSIONS AND QUITE OFTEN RECEIVE OVERLY SEVERE DISCIPLINARY PENALTIES FOR RELATIVELY MINOR INFRACTIONS.

3. A THIRD AREA OF POSTMASTER DISCIPLINE IS THE POSTAL SERVICE'S ATTITUDE THAT THE POSTMASTER IS THE CAPTAIN OF THE SHIP AND SHOULD INCUR DISCIPLINE FOR ANY PROBLEMS THAT OCCUR IN THAT POSTMASTER'S OFFICE. THUS, POSTMASTERS WILL ROUTINELY BE DISCIPLINED FOR THE INFRACTIONS OF CLERKS UNDER THEIR SUPERVISION. ADDITIONALLY, THE POSTMASTER AND THE CLERK MAY BE CHARGED WITH A SIMILAR INFRACTION, SUCH AS AN ABUSE OF TIME, AND THE CLERK EITHER WILL RECEIVE NO DISCIPLINE OR LESSER DISCIPLINE INITIALLY OR, THROUGH THE GRIEVANCE PROCEDURE, HAVE HIS OR HER DISCIPLINARY ACTION RESCINDED OR MODIFIED, AND THE POSTMASTER WILL BE REMOVED FOR LITERALLY THE IDENTICAL INFRACTION. IT SOMEHOW DOES NOT SEEM FAIR THAT POSTMASTERS WITH LIMITED APPEAL RIGHTS SHOULD RECEIVE CONSIDERABLY MORE SEVERE DISCIPLINE THAN CRAFT EMPLOYEES RECEIVE FOR THE SAME OFFENSE. WE SEE THIS OFTEN IN SEXUAL HARASSMENT CASES WHERE ALL THE MISCONDUCT IN THE OFFICE IS "IMPUTED" TO THE POSTMASTER WHO IS THEN SEVERELY DISCIPLINED.

ANOTHER EXAMPLE OF THIS IS THAT THERE ARE CRAFT EMPLOYEES IN THE DENVER MSC WHO WERE CHARGED WITH ILLEGALLY DISPOSING OF DELIVERABLE MAIL WHO ARE WORKING TODAY AS A RESULT OF GRIEVANCE SETTLEMENTS, WHEREAS POSTMASTERS ARE LITERALLY ALWAYS TERMINATED FOR ANY MISHANDLING OF MAIL. INDEED, WE HAVE A CAST NOW IN WHICH A

POSTMASTER WHO IS CHARGED WITH DISPOSING OF DELIVERABLE BULK BUSINESS MAIL (BBM) WHICH IS IN EXCESS OF THE CUSTOMER'S BOX REQUIREMENTS (MORE UNADDRESSED ADVERTISING MAIL THAN IS NECESSARY TO PUT ONE IN EACH BOX) IS BEING TERMINATED FROM HER POSITION FOR DISPOSING OF THE EXCESS BBM. NO CLERK OR CARRIER IN HER OFFICE HAS RECEIVED ANY DISCIPLINE FOR THIS ALLEGED INFRACTION AND, AS I INDICATED, THERE ARE NUMEROUS OTHER CRAFT EMPLOYEES WHO, DESPITE BEING CHARGED WITH SUCH INFRACTIONS, ARE PRESENTLY CONTINUING THEIR EMPLOYMENT WITH THE POSTAL SERVICE.

PLEASE UNDERSTAND, MR. CHAIRMAN, WE ARE NOT CRITICIZING LENIENCY WITH CRAFT EMPLOYEES AS I AM SURE THERE ARE CONSIDERABLE MITIGATING CIRCUMSTANCES IN THEIR CASES, BUT WE ARE SAYING THAT POSTMASTERS RECEIVE ABSOLUTELY NO CONSIDERATION IN RESOLUTION OF SEVERE DISCIPLINARY CASES. POSTMASTER CASES START OUT PUNITIVE; ARE SELDOM SETTLED; AND WHEN THE POSTMASTER WINS, USUALLY BECAUSE OF OVERLY SEVERE PENALTY, ARE INEVITABLY APPEALED BY THE POSTAL SERVICE.

4. A FOURTH GAMBIT WHICH IS DEPRIVING POSTMASTERS OF RIGHTS PROVIDED THEM BY CONGRESS IS THE POSTAL SERVICE'S REFUSAL TO ACCEPT THE SPIRIT OF POSTMASTER APPEAL RIGHTS GRANTED BY CONGRESS IN P.L. 100-90. THE PRACTICE NOW IS TO REASSIGN POSTMASTERS IN THE SAME LEVEL AND GRADE FROM ATTRACTIVE POSTMASTER POSITIONS TO CONSIDERABLY LESS ATTRACTIVE SUPERVISORY POSITIONS FOR PURPOSES OF DISCIPLINE, AND BY REASSIGNING WITHIN GRADE AND PAY, AVOID ADVERSE ACTION APPEAL RIGHTS FOR THAT POSTMASTER. THE ACTION IS, INDEED, AN ADVERSE ACTION. IT IS A

DEMOTION IN STATUS IN MANY CASES AND IS NOTHING MORE THAN A BALD-FACE ATTEMPT BY THE AGENCY TO FORCE THE POSTMASTER INTO A POSITION WHERE THE POSTMASTER IS PROGRAMMED TO FAIL AND WILL EITHER RESIGN OR CAN BE SUBSEQUENTLY REMOVED.

ALSO, THE POSTAL SERVICE IS REFUSING TO PROVIDE APPEAL RIGHTS TO ANY NEWLY APPOINTED POSTMASTER UNTIL AFTER HE HAS SERVED ONE YEAR IN THE POSTMASTER POSITION ARGUING THAT POSTMASTER POSITIONS ARE NOT THE SAME OR SIMILAR TO OTHER POSTAL SERVICE POSITIONS. AS YOU KNOW, ALTHOUGH POSTMASTER POSITIONS ARE NOT IDENTICAL, THEY MOST ASSUREDLY ARE SIMILAR TO MANY OTHER POSTAL POSITIONS. WE HAVE SEVERAL CASES PENDING BEFORE THE MSPB ON ALL OF THESE ISSUES AND ARE TRYING TO GET THE BOARD TO ACCEPT JURISDICTION BUT, AS YOU KNOW, THEY ARE VERY NARROW IN THEIR JURISDICTIONAL PREROGATIVES, AND THE POSTAL SERVICE HAS TAKEN ADVANTAGE OF THESE JURISDICTIONAL LOOPHOLES TO DISCIPLINE POSTMASTERS IN SUCH A WAY AS TO AVOID THE APPEAL RIGHTS GRANTED BY CONGRESS.

ANOTHER ASPECT OF REASSIGNMENT IS THE REMOVAL OF A POSTMASTER FROM HIS POSITION AND SENDING HIM TO LOWER LEVEL POSITIONS AT GREAT DISTANCES FROM HIS HOME, ALLEGEDLY FOR TRAINING ASSIGNMENTS BUT, IN REALITY, FOR DISCIPLINE. IT IS INCONCEIVABLE THAT YOU WOULD TAKE A LEVEL EAS-21 POSTMASTER AND SEND HIM TO A LEVEL EAS-15 FOR PURPOSES OF "TRAINING"; NEVERTHELESS, THIS HAS OCCURRED AND THE POSTAL SERVICE, BY USING THE "DISCIPLINARY TRAINING DETAILS" IS WASTING INCREDIBLE SUMS OF MONEY ON THIS "ADVERSE ACTION AVOIDANCE MERRY-GO-ROUND".

IN SUMMARY, MR. CHAIRMAN, THE POSTAL SERVICE HAS CONTINUED ITS PRACTICE OF UNDULY SEVERE DISCIPLINE OF POSTMASTERS WHICH WAS THE PRACTICE IN THE PAST BEFORE MOST POSTMASTERS HAD MSPB APPEAL RIGHTS. DESPITE THE MSPB APPEAL RIGHTS, THE POSTAL SERVICE IS CONTINUING ITS PRACTICE OF OVERLY HARSH DISCIPLINE WHICH, WHEN AN APPEAL CAN BE TAKEN TO THE MSPB AND AFTER EXTENSIVE LITIGATION, IS RESULTING IN MODIFIED PENALTIES IN MANY CASES. THE POSTAL SERVICE EVEN RESISTS THE MERIT SYSTEMS PROTECTION BOARD RULINGS MODIFYING HARSH PENALTIES BY APPEALING EVERY ADVERSE RULING AND DELAYING THE INEVITABLE REINSTATEMENT OF THE POSTMASTER. THEY ARE TRYING TO CIRCUMVENT MSPB APPEAL RIGHTS, INDIRECTLY DISCIPLINING POSTMASTERS FOR RELATIVELY MINOR INFRACTIONS, AND RESISTING MSPB DECISIONS MODIFYING PENALTIES TO THE BITTER END WHEN A POSTMASTER IS THE APPELLANT.

MR. CHAIRMAN, THE NATIONAL LEAGUE OF POSTMASTERS CONTINUES TO WORK DILIGENTLY WITH TOP POSTAL MANAGEMENT TO FIND ACCEPTABLE SOLUTIONS TO THESE PROBLEMS.

WE HAVE SIGNED AGREEMENTS AND PROGRAMS DESIGNED TO IMPROVE THIS SITUATION. HOWEVER, THESE THINGS WILL PROVE MEANINGLESS UNLESS SUCH COOPERATIVE EFFORTS, AT ALL POSTAL LEVELS, DISSOLVE A CERTAIN LEVEL OF ADVERSARIAL MENTALITY THAT SUGGEST MANAGERS MUST BE AUTHORATARIANS, AND BARGAINING-UNIT EMPLOYEES RESPOND BY CLOGGING UP THE GRIEVANCE SYSTEMS AS A MEANS OF HARASSING LOCAL MANAGERS, AND MR. CHAIRMAN, WE ACKNOWLEDGE THE EXISTENCE OF THIS PROBLEM.

MR. CHAIRMAN, THIS HARSH DISCIPLINE, COUPLED WITH THE LACK OF ANY KIND OF UNIFORMITY AMONG THE 74 DIVISIONS, IS OUTRAGEOUS AND CERTAINLY NOT WORTHY OF A GREAT INSTITUTION LIKE THE U.S. POSTAL SERVICE.

THE NATIONAL LEAGUE OF POSTMASTERS IS PREPARED TO ASSIST YOU, YOUR STAFF AND THE POSTMASTER GENERAL IN YOUR UNTIRING EFFORTS TO FIND REASONABLE SOLUTIONS TO THESE PROBLEMS.

AGAIN, WE THANK YOU FOR SCHEDULING THESE HEARINGS AND FOR PROVIDING US THE OPPORTUNITY TO EXPRESS OUR VIEWS ON THIS IMPORTANT ISSUE.

WE WOULD BE PLEASED TO ANSWER ANY QUESTIONS.

STATEMENT

OF

EARL W. OGLE

PRESIDENT

NATIONAL ASSOCIATION OF POSTMASTERS

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, I AM EARL W. OGLE, PRESIDENT OF THE NATIONAL ASSOCIATION OF POSTMASTERS OF THE UNITED STATES. NAPUS REPRESENTS 43,000 ACTIVE AND RETIRED POSTMASTERS.

WE APPLAUD THE COMMITTEE FOR ITS EXPRESSION OF CONCERN WITH REGARD TO THE APPLICATION AND IMPLEMENTATION OF DISCIPLINE IN THE UNITED STATES POSTAL SERVICE.

IT IS UNFORTUNATE THAT THE NEED FOR DISCIPLINE EXIST IN ANY INDUSTRY AND PARTICULARLY IN THE U. S. POSTAL SERVICE. REALISTICALLY, WE ALL REALIZE THAT WHEN PEOPLE INTERACT THERE WILL BE DIFFERENCES OF OPINION AND PERCEPTION.

THE GENERAL ACCOUNTING OFFICE (GAO) REPORT TITLED, "POSTAL SERVICE: DISCIPLINE PRACTICE VARY", IS A WELL RESEARCHED AND WELL WRITTEN DOCUMENT AS FAR AS IT GOES.

POSTMASTERS, BY VIRTUE OF THEIR RESPONSIBILITY ARE OF NECESSITY, REQUIRED TO IMPOSE DISCIPLINE ON EMPLOYEES FROM TIME TO TIME. IT IS NOT SOMETHING THAT THEY RELISH OR ARE ENTHUSIASTIC ABOUT. WE RECOGNIZE THAT DISCIPLINE OFTEN IMPACTS MORE THAN THE EMPLOYEE, IN MANY CASES THE FAMILY IS AFFECTED AS WELL.

IN INDUSTRIAL RELATIONS LAW AND IN THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE POSTAL SERVICE AND ITS EMPLOYEES, IT IS A GIVEN THAT DISCIPLINE SHOULD BE CORRECTIVE AND NOT PUNITIVE. IN DISCUSSIONS AND SEMINARS WITHIN OUR NAPUS ORGANIZATION, WE USE THE TERMS, "IDENTIFY, RECTIFY AND FOREWARN".

WHAT WE SUGGEST TO OUR POSTMASTERS MR CHAIRMAN, IS IF A PROBLEM EXISTS, THE POSTMASTER SHOULD IDENTIFY THE PROBLEM AND EXPLAIN IT TO THE EMPLOYEE, HE/SHE SHOULD SUGGEST TO THAT EMPLOYEE HOW THE PROBLEM SHOULD BE RECTIFIED, AND FINALLY FOREWARN THE EMPLOYEE OF THE CONSEQUENCES OF FURTHER INFRACTIONS OF THE RULES. WE FIND THAT CLEAR, CONCISE COMMUNICATIONS GOES A LONG WAY TOWARD RESOLVING DISCIPLINARY PROBLEMS.

TO OUR KNOWLEDGE, IT HAS NEVER BEEN A POLICY OF THE U. S. POSTAL SERVICE, TO IMPOSE DISCIPLINE FOR THE SAKE OF IMPOSING DISCIPLINE. DISCIPLINE SHOULD BE IMPOSED TO CORRECT BEHAVIOR WHEN ALL ELSE FAILS, AFTER ALL, THERE IS A GREAT AMOUNT OF INVESTMENT IN EVERY EMPLOYEE IN TERMS OF TRAINING.

WE DO BELIEVE THAT THE INITIATIVES THAT HAVE LED TO A COOPERATIVE EFFORT BY THE POSTAL SERVICE AND CRAFT UNIONS TO REDUCE THE NEED FOR DISCIPLINE IS COMMENDABLE AND WE SUPPORT AND ENCOURAGE OTHER SUCH INITIATIVES.

AS WE INDICATED EARLIER, THE (GAO) REPORT IS A GOOD ONE. HOWEVER, WE FIND IT DIFFICULT TO SUBSCRIBE TO THE THEORY OF UNIFORMITY. WHEN IMPOSING DISCIPLINE THERE IS MORE TO BE CONSIDERED THAN THE INSTANT INFRACTION. MANY OF THE FACTORS ARE INTANGIBLE SUCH AS ATTITUDE, SAFETY PRACTICES, ETC. LACKING THE RIGHT TO CONSIDER OTHER FACTORS WHEN APPROPRIATE WOULD MAKE A FARCE OF PROGRESSIVE DISCIPLINE.

THE DETERMINATION OF THE DEGREE OF PUNISHMENT IS A JUDGEMENT CALL BY THE INDIVIDUAL WHO INITIATES THE ACTION, AND THAT DETERMINATION MUST BE LEFT TO THE DISCRETION OF THE INITIATING AUTHORITY. RECOURSE FOR EMPLOYEES WHO HAVE BEEN UNFAIRLY PENALIZED IS PROVIDED IN THE COLLECTIVE BARGAINING AGREEMENT.

ALL OF THIS MAY BEG THE QUESTION, WE AGREE AND SUGGEST MORE INTENSIVE TRAINING IN THE AREA OF DISCIPLINE, ITS IMPLICATION AND APPLICATION.

WE DO NOT BELIEVE TRYING TO APPLY UNIFORMITY WOULD WORK. INDEED IT COULD CREATE ANOTHER TYPE OF APPEAL BASED ON UNIFORMITY OR LACK THEREOF. THERE ARE JUST TOO MANY FACTORS, HUMAN AND OTHERWISE, THAT IMPACT DISCIPLINE.

MR. CHAIRMAN, SIMPLISTICALLY PERHAPS, NAPUS SUGGESTS THAT IF ALL PARTIES ADHERE TO THE "GOLDEN RULE", DISCIPLINE WOULD BE REDUCED AND WE WOULD ALL BENEFIT.